

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER  
CERTIFICATE NO. 1658

BY: MR. T. J. ISENHART  
1506 CARSON  
LA JUNTA, COLORADO 80150

CASE NO. 128-T  
SUPPLEMENTAL ORDER

-----  
December 21, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the above named respondent has failed to file Annual Report for the calendar year 1966, as required by law and the Rules and Regulations of the Commission and, in addition, has failed -- after receiving proper notice -- to appear before the Commission on the date as previously ordered by the Commission to show cause why the above captioned and numbered operating rights should not be revoked and cancelled, the Commission states and finds that the herein involved operating rights should be revoked and cancelled as set forth in the Order following.

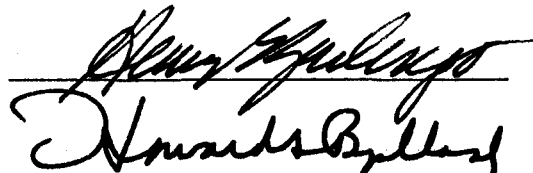
ORDER

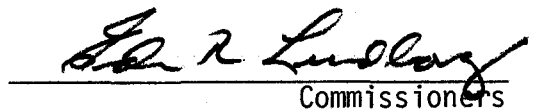
THE COMMISSION ORDERS:

That the above captioned and numbered operating rights be, and the same hereby are, revoked and cancelled, effective five days from the date of this Order.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Howard Byler

  
\_\_\_\_\_  
Ed R. Lindsay  
Commissioners

Dated at Denver, Colorado, this  
21st day of December, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER  
PERMIT NO. B-1877

BY: B. R. HAYES, INC.  
627 28th STREET  
GREELEY, COLORADO 80630

CASE NO. 121-T  
SUPPLEMENTAL

-----  
RESPONDENT  
-----

-----  
December 21, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the above named respondent has failed to file necessary tariff as required by law and the Rules and Regulations of the Commission and, in addition, has failed -- after receiving proper notice -- to appear before the Commission on the date as previously ordered by the Commission to show cause why the above captioned and numbered operating rights should not be revoked and cancelled, the Commission states and finds that the herein involved operating rights should be revoked and cancelled as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above captioned and numbered operating rights be, and the same hereby are, revoked and cancelled, effective five days from the date of this Order.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
-----  
*[Handwritten Signature]*

*[Handwritten Signature]*  
Commissioners

dated at Denver, Colorado, this  
21st day of December, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO-UTE ELECTRIC ASSOCIATION, )  
INC., TO CONSTRUCT AN ELECTRIC )  
GENERATING PLANT NEAR HAYDEN, COLO- )  
RADO, AND ELECTRIC TRANSMISSION )  
LINES TO CONNECT SAID PLANT TO ITS )  
EXISTING GENERATION AND TRANSMIS- )  
SION SYSTEM, TO THE PRESENT AND )  
PROPOSED GENERATION SYSTEM OF THE )  
UNITED STATES BUREAU OF RECLAMATION, )  
AND TO THE PRESENT AND PROPOSED )  
SYSTEMS OF ITS MEMBERS. )

APPLICATION NO. 19098

IN THE MATTER OF THE PETITION OF )  
COLORADO-UTE ELECTRIC ASSOCIATION, )  
INC., FOR AN ORDER AUTHORIZING )  
IT TO EXECUTE A NOTE OR NOTES SE- )  
CURED BY A MORTGAGE OBLIGATION WITH )  
THE UNITED STATES OF AMERICA. )

APPLICATION NO. 19156-Amended

-----  
December 22, 1967  
-----

Appearances: Raphael J. Moses, Esq., Boulder, Colo-  
rado,  
J. A. Hughes, Esq., Montrose, Colo-  
rado, and  
Philip P. Ardery, Esq., Louisville,  
Kentucky, for Applicant;  
Bryant O'Donnell, Esq., Denver, Colo-  
rado, and  
Donald D. Cawelti, Esq., Denver, Colo-  
rado, for Protestant, Public Service  
Company of Colorado;  
Sidney G. Baucom, Esq., Salt Lake City,  
Utah,  
John R. Barry, Esq., Denver, Colorado,  
and  
Harrison Loesch, Esq., Montrose, Colo-  
rado, for Protestant, Western Colorado  
Power Company;  
D. B. Hyer, Jr., Pueblo, Colorado, for  
Southern Colorado Power Company, as  
its interest may appear;  
E. R. Thompson, Denver, Colorado, and  
Paul M. Brown, Denver, Colorado, of the  
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

This Commission, on February 21, 1963, entered its Decision No. 60156, granting to Colorado-Ute Electric Association, Inc., hereinafter referred to as Colorado-Ute, a certificate of public convenience and necessity authorizing the construction of a 150,000 Kw steam electric generating plant near Hayden, Colorado, together with the usual attendant

facilities and certain enumerated transmission lines, interconnections, substations, and terminal and switching facilities, all as more fully set forth in said Decision.

In the same decision, this Commission also authorized and approved the issuance by Colorado-Ute of a mortgage note or notes to the United States of America for the aggregate amount of \$22,876,000, and the execution of a mortgage or mortgages to secure said notes, all as more fully set forth in said Decision.

This Decision was subsequently appealed by Public Service Company of Colorado and Western Colorado Power Company to the District Court in and for the County of Montrose, State of Colorado, which Court affirmed the Decision. The Supreme Court of the State of Colorado, however, upon further appeal, entered its Decision in Action No. 21136, on February 14, 1966, directing the District Court of Montrose County, Colorado, to order this Commission to vacate and set aside Decision No. 60156.


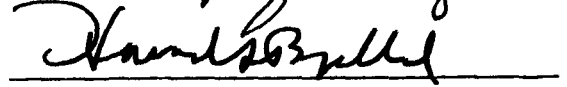

Further review was sought by Colorado-Ute from the United States Supreme Court, which Court declined to review the Decision of the Colorado Supreme Court, and ultimately, by Order dated December 21, 1967, the District Court of Montrose County, Colorado, directed this Commission to vacate and set aside said Decision No. 60156.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 60156 of this Commission, dated February 21, 1963, be, and the same is hereby vacated and set aside.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of December, 1967

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COLORADO-UTE ELECTRIC ASSOCIATION, )  
INC., A COLORADO CORPORATION, )  
MONTROSE, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY AUTHORIZING IT TO RENDER )  
WHOLESALE ELECTRIC SERVICE TO )  
CERTAIN ENTITIES AND TO OPERATE )  
AND MAINTAIN CERTAIN FACILITIES, )  
AND FOR AN ORDER APPROVING, RATIFY- )  
ING AND CONFIRMING THE ISSUANCE )  
OF CERTAIN SECURITIES TO THE UNITED )  
STATES OF AMERICA. )

APPLICATION NO. 22882-Securities

-----  
IN THE MATTER OF THE APPLICATION OF )  
COLORADO-UTE ELECTRIC ASSOCIATION, )  
INC., A COLORADO CORPORATION, )  
MONTROSE, COLORADO, FOR A CERTIFI- )  
CATE OF PUBLIC CONVENIENCE AND )  
NECESSITY AUTHORIZING IT TO RENDER )  
WHOLESALE ELECTRIC SERVICE TO )  
CERTAIN ENTITIES AND TO OPERATE )  
AND MAINTAIN CERTAIN FACILITIES. )

APPLICATION NO. 22905

-----  
December 22, 1967  
-----

Appearances: Raphael J. Moses, Esq.,  
Boulder, Colorado,  
John J. Conway, Esq.,  
Denver, Colorado, and  
John A. Hughes, Esq.,  
Montrose, Colorado,  
for Applicant;  
Bryant O'Donnell, Esq., Denver,  
Colorado, for Intervenor, Public  
Service Company of Colorado;  
Irvine & Baucom, Esqs., Salt  
Lake City, Utah, and  
John R. Barry, Esq., Denver,  
Colorado, for Intervenor,  
Western Colorado Power Company;  
Paul M. Brown, Denver,  
Colorado,  
E. R. Thompson, Denver,  
Colorado, and  
Joseph M. McNulty, Denver,  
Colorado, of the Staff of  
the Colorado Public Utilities  
Commission.

S T A T E M E N T

BY THE COMMISSION:

This Commission, on February 21, 1963, entered its Decision No. 60156, granting to Colorado-Ute Electric Association, Inc., hereinafter referred to as Colorado-Ute, a certificate of public convenience and necessity authorizing the construction of a 150,000 Kw steam electric generating plant near Hayden, Colorado, together with the usual attendant facilities and certain enumerated transmission lines, interconnections, substations, terminal and switching facilities, described as follows:

- (1) Interconnect at 138 Kv and 230 Kv with the substation of the United States Bureau of Reclamation, near Hayden.
- (2) The necessary transformation, terminal facilities and transmission lines for Ute to interconnect with 69 and 46 Kv circuits of Yampa Valley between Oak Creek and Craig, Colorado, and terminal and transformation facilities at Oak Creek, Colorado.
- (3) 138 Kv transmission line from Hayden to Rifle, Colorado, via Meeker, with facilities at Meeker for interconnection with Moon Lake transmission line extending from Meeker to Rangely, Colorado.
- (4) 115 Kv transmission line from Rifle to Collbran, Colorado, with the necessary terminal and transformation facilities at 115 and 138 Kv and also facilities necessary to connect to a 69 Kv circuit extending from Rifle to Meeker.
- (5) A step down substation at Carbondale-Basalt to supply service at 69 Kv.
- (6) 69 Kv transmission line from Carbondale-Basalt to Eagle and from Carbondale-Basalt to Aspen with terminal and transformation facilities at each location.
- (7) The necessary facilities for the interconnection with the facilities of the United States Bureau of Reclamation at Collbran and to the Morrow Point-Montrose 115 Kv circuit at Montrose, Colorado.
- (8) The necessary facilities for transformation and interconnection with the Bureau of Reclamation to supply Gunnison County Electric Association.

In the same decision, this Commission also ordered: "That the issuance of the mortgage note or notes to the United States of America for the aggregate amount of \$22,876,000, and the execution of a mortgage or mortgages to secure said notes, and the execution of amendments, dated as of December 12, 1961 and as of March 1st, 1962, to the loan contract between the Applicant and the United States of America, dated as of May 25, 1955, as amended, be, and are hereby, authorized and approved."

This Decision was subsequently appealed by Public Service Company of Colorado, hereinafter referred to as Public Service, and The Western Colorado Power Company, hereinafter referred to as Western, to the District Court in and for the County of Montrose, State of Colorado, which Court affirmed the Decision. This Court also refused to stay or suspend the Decision of this Commission, and accordingly, having a valid and subsisting certificate, Colorado-Ute legally commenced and later completed construction of the above-described facilities.

The Supreme Court of the State of Colorado, however, upon further appeal, entered its Decision in Action No. 21136, on February 14, 1966, directing the District Court of Montrose County, Colorado, to order this Commission to set aside Decision No. 60156.

After the Decision of the Colorado Supreme Court, the parties entered into discussions with each other for the purpose of determining whether the problem could be resolved on a basis that would be consistent with the principles of the regulatory laws of the State of Colorado, and the agreements to which reference is hereinafter made was the basis ultimately agreed upon, and it is these agreements that constitute an integral part of the application which was filed by Colorado-Ute in this matter.

By Order dated December 21, 1967, the District Court of Montrose County, Colorado, directed this Commission to set aside

said Decision No. 60156, and by virtue of said Order this Commission has this date entered its Decision No. 70607, setting aside said Decision.

On October 30, 1967, Colorado-Ute filed its application herein, generally seeking a certificate of public convenience and necessity authorizing it to render wholesale electric service to its following named Members, all of whom are located in the State of Colorado, to-wit:

Arkansas Valley G & T, Inc.;  
Delta-Montrose Rural Power Lines Association;  
Empire Electric Association, Inc.;  
Grand Valley Rural Power Lines, Inc.;  
Gunnison County Electric Association, Inc.;  
Holy Cross Electric Association, Inc.;  
La Plata Electric Association, Inc.;  
San Luis Valley Rural Electric Cooperative, Inc.;  
San Miguel Power Association, Inc.;  
White River Electric Association, Inc.;  
Yampa Valley Electric Association, Inc.;

and to render service to Public Service Company of Colorado, and to the extent that this Commission may have jurisdiction, to its Members outside of the State of Colorado and to the United States Bureau of Reclamation, all as set forth in two exhibits attached thereto, being an agreement between Public Service Company of Colorado and Colorado-Ute and an agreement between the Bureau of Reclamation and Colorado-Ute. Said application further seeks a certificate of public convenience and necessity authorizing the operation and maintenance of the above facilities, which had previously been authorized by Decision 60156, and also requests that this Commission approve, ratify and confirm the issuance of notes previously issued in the aggregate principal amount of \$22,876,000.00, and a mortgage securing the same, in favor of the United States of America.

At the time this matter was called for hearing, Colorado-Ute requested that the prayer of its application be amended to specifically limit, insofar as this application is concerned, service to its Member outside of the State of Colorado, to-wit, the Salt



River Project Agricultural Improvement and Power District, hereinafter referred to as Salt River. This request was allowed by the Commission, and no objection to the amendment was made.

At the same time there was tendered to the Commission a Stipulation between Colorado-Ute and Western, whereby it was generally agreed that the above amendment to the prayer of Colorado-Ute's application would be requested, and secondly, that Western could offer for the record a copy of a letter from its President to Colorado-Ute setting forth Western's position with respect to the matters involved in the application. There being no objection to the Stipulation, the Commission received for the record a copy of said letter.

Colorado-Ute is an electric cooperative association, and a corporation organized and existing under and by virtue of the laws of the State of Colorado. It is a public utility subject to the jurisdiction of this Commission and is engaged in the generation and transmission of electric power and energy for sale at wholesale to its Members above-identified. Under its application it seeks authority, inter alia, to continue to render this service. The above named members of Colorado-Ute, with the exception of Salt River and Arkansas Valley G & T, Inc., are all consumer-owned electric cooperatives which distribute electricity to the ultimate consumer. They are also public utilities under Colorado law and render service in areas certificated to them by this Commission. Salt River is an agricultural improvement district, organized under the laws of the State of Arizona, and it owns and operates an electric system in the central part of Arizona in conjunction with its operation of the Salt River Reclamation Project, serving over 100,000 customers with electricity in Arizona. Arkansas Valley G & T, Inc., is a public utility which renders service at wholesale to three distribution cooperatives, who are its members, in

southeastern Colorado, namely:

San Isabel Electric Association, Inc.,  
Sangre De Cristo Electric Association, Inc. and  
Southeast Colorado Power Association.

Public Service and Western are also public utilities under the laws of the State of Colorado, and are subject to the jurisdiction of and regulation by this Commission. Public Service renders service in areas contiguous to areas certificated to some of Colorado-Ute's distribution members, but it does not sell any power and energy to any of Colorado-Ute's Members.

After due and proper notice to all interested parties, the matter of this application was set for hearing before the Commission on November 24, 1967, at 10:00 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. At the hearing testimony was presented by John J. Bugas, General Manager of Colorado-Ute, by Robert Vold, Finance Manager of Colorado-Ute and by James Golden, Manager of Yampa Valley Electric Association, Inc., all in support of the Application. It was also stipulated that several representatives of Colorado-Ute's members were present, to-wit, Mssrs. Ausborn, Bigham, Chastain, Lunt, Patterson, Swank, Villyard, and White, and that these persons would testify, if called, substantially to the same effect as did Mr. Golden. These persons individually were associated with five of Colorado-Ute's Colorado Members, to-wit, Gunnison County Electric Association, Inc.; La Plata Electric Association, Inc.; Empire Electric Association, Inc.; San Luis Valley Rural Electric Cooperative, Inc., and White River Electric Association, Inc.

Also supporting the application through testimony was Richard Walker, Assistant Vice-President of Public Service. No testimony was presented by Western or by the Staff of the Commission, although both entered their appearances at the hearing, and, as previously pointed out, Western made a letter to Colorado-Ute setting

forth its position with respect to the matters involved in the application, a part of the record. The testimony and evidence of record is all in support of the application. Without going into detail as to evidence of record, we would summarize the testimony of the various witnesses as follows:

Mr. Bugas described the nature of Colorado-Ute, the advantages of parties pooling their requirements to construct larger-sized units, and the background of the construction of the Hayden Station. He also testified as to the negotiations that were entered into, subsequent to the Decision of the Supreme Court, in an effort to resolve the problem of the continued operation of the Hayden Station, consistent with regulatory law, and as to the agreements that were reached with Public Service. He emphasized in his testimony that the manner and method agreed upon with Public Service for the continued operation and maintenance of the Hayden Station by Colorado-Ute was consistent with regulatory principles, and he outlined in detail how the method of operation agreed upon accorded with these principles, and how no duplication of facilities of other power suppliers would result.

Mr. Vold testified as to the financial condition of Colorado-Ute and its ability to continue to operate on a sound financial basis.

Mr. Golden generally testified as to the need that his organization had for adequate power, to the fact that the Hayden Station would meet this need, and to the fact that he had investigated the cost of power under the agreements between Colorado-Ute and Public Service and was satisfied that the cost would be no greater under these agreements than under any other available plan, and that the Hayden Station is needed to meet the power requirements of the members of Colorado-Ute.

Mr. Walker also explained the agreements that had been reached, and how, in his opinion, operation of the Hayden Station

pursuant to these agreements would be consistent with the regulatory principles of the State of Colorado.

Based upon the testimony and evidence of record, this Commission makes the following Findings of Fact and Order.

#### FINDINGS OF FACT

1. That the statements of fact contained in the foregoing Statement are hereby adopted as findings of fact herein.
2. That Colorado-Ute constructed, in accordance with the authority granted in our Decision No. 60156, the facilities described in the above Statement, placed the same in commercial operation on July 1, 1965, and has continued to operate and maintain the same since their construction. The cost of these facilities and other facilities constructed in conjunction therewith was \$32,178,715.
3. That the load requirements of Colorado-Ute's members, other than Salt River, are approximately 105,200 Kw for the year 1968; that these load requirements will increase by approximately 9% annually through the year 1971 and by approximately 5% annually thereafter. This means that in 1971 the load requirements of these members would be 135,700 kw, and in 1975, 162,900 kw. If Colorado-Ute were unable to operate the Hayden Station, it would have power resources available to it to meet these requirements of only 62,000 kw during the years 1968 through 1975, namely, 39,000 kw from the Nucla Station, 13,500 kw from the Collbran Project and 9,500 kw from Public Service. This would leave a deficiency in Colorado-Ute's ability to serve the loads of its Requirements Members of 43,200 kw in the year 1968, 73,700 kw in the year 1971, and 100,900 kw in the year 1975.
4. That the United States Bureau of Reclamation, hereinafter referred to as the Bureau, is an existing power supplier in this State, but it has already entered into contracts with other parties or made commitments for substantially all of its presently

available power, and it would therefore be unable to meet the summer season power requirements, either now or in the future, of even Colorado-Ute's so-called six "new members". Such new members are those which were not taking power and energy from Colorado-Ute prior to the construction of the Hayden Station and related facilities. The summer season load requirements of the six new members of Colorado-Ute are expected to be approximately 67,000 Kw in 1968, and increase to approximately 88,500 Kw in 1971, but the Bureau would not have sufficient power and energy available during the summer season to meet these requirements. It is essential that Colorado-Ute have a firm supply of power throughout the entire year. In addition, the Bureau has taken the position that the arrangements between the parties, for which approval is sought in this proceeding, are good and in the public interest, and that it would be unable to supply the expected annual load of the six new members of Colorado-Ute.

5. That Western and Colorado-Ute have interconnected their electric transmission systems with each other and have entered into agreements providing for the joint use of facilities, and the cooperation that these parties have promoted with each other is in the public interest and is to be commended.

6. That the operation and maintenance of the above-described facilities by Colorado-Ute under the Agreements hereinafter described, will not duplicate any facilities of Public Service or the Bureau of Reclamation.

7. That there is a need for the continued operation and maintenance of the above-described facilities by Colorado-Ute, the evidence clearly showing that the members of Colorado-Ute need electric power and energy, that the Hayden Station and related facilities do not duplicate the facilities of any other power supplier, and that such power and energy can be obtained from Colorado-Ute's Hayden Station and its other facilities at a fair

and reasonable cost. The transmission facilities above-described interconnect with transmission facilities of the United States Bureau of Reclamation, with facilities of Public Service, and with other Colorado-Ute facilities. These interconnections are in the public interest and benefit all of the parties thereto.

8. That without the Hayden Station and its related facilities, Colorado-Ute would not have generation resources or transmission facilities to render wholesale electric service to its members or to meet either their present or future demands, and the operation and maintenance of the Hayden Station and its related facilities by Colorado-Ute is a feasible and satisfactory way to meet these power deficiencies. Furthermore, the rendering of wholesale service by Colorado-Ute to its Colorado members and to Salt River results in benefits not only to Colorado-Ute and its members but also to consumers of such members, and to the public generally.

9. That Colorado-Ute and Public Service have entered into an Agreement, dated October 9, 1967, which Agreement provides for a method and manner in which the Hayden Station and the related facilities may continue to be owned and operated by Colorado-Ute and power sold therefrom to Colorado-Ute's members in accordance with the regulatory laws of the State of Colorado. Said Agreement also provides for a surplus energy purchase by Public Service from Colorado-Ute, commencing January 1, 1968, through the year 1974, said purchase generally to be contingent upon the availability of such energy. Such Agreement has been approved by the Administrator of the Rural Electrification Administration, and the terms thereof are just and reasonable, and are in accordance with the public interest.

10. That Colorado-Ute and Public Service have also entered into a Power Purchase and Transmission Service Agreement, dated October 9, 1967, which Agreement provides for the purchase by Colorado-Ute of certain quantities of power from Public Service,

and for transmission service by Public Service to Colorado-Ute for certain of its members, all upon certain terms and conditions set forth in said Agreement. Under this Agreement, Colorado-Ute is required to purchase from Public Service not less than 9.5 mw of power each year until Colorado-Ute shall have purchased a total of 350 mw years or until January 1, 1993, whichever shall first occur. Colorado-Ute also agrees to purchase, and Public Service agrees to sell to Colorado-Ute a portion of the power to meet the load requirements, year by year, of Colorado-Ute's "Requirements Members", as defined in the Agreement, until it shall have acquired from Salt River 50 mw of power presently being utilized by it as provided in the Power Agreement between Colorado-Ute and Salt River. After Colorado-Ute acquires this 50 mw of power from Salt River, its purchase from Public Service will be reduced to not less than 9.5 mw, but will again increase as the load growth of its "Requirements Members" increase. Said Agreement also contains the rate at which Colorado-Ute shall purchase power from Public Service (\$24.00 per kw per year) and the same is just and reasonable. Said Agreement also provides that Colorado-Ute may purchase from Public Service such energy associated with the use of the power to be purchased subject to certain limitations therein spelled out. Said Agreement also provides that Public Service shall provide firm transmission service to Colorado-Ute for its members, Holy Cross and San Luis Valley, for \$5.00 per kw per year and upon certain other terms and conditions set forth in the Agreement. That \$5.00 per kw per year is a just and reasonable charge for such service. This in lieu of charges presently being made under an agreement between Public Service and the Bureau, which agreement, however, does not obligate Public Service to provide firm transmission service for Colorado-Ute. In other words, under the present Public Service-Bureau contract, Public Service is not obligated to render such service beyond capacity

available in its transmission facilities above that needed by Public Service for its own requirements. Furthermore, the Agreement between Colorado-Ute and Public Service gives Public Service the right to meet certain of Colorado-Ute's present and future requirements. This Agreement has been approved by the Administrator of the Rural Electrification Administration, and the terms thereof are just and reasonable and are in the public interest.

11. That the terms and conditions of the aforesaid Agreement and Power Purchase and Transmission Service Agreement are even more just and reasonable in view of the Contract, dated April 1, 1965, as modified by Supplement No. 1, dated October 9, 1967, between Colorado-Ute and the Bureau. This Supplement terminates the obligation of Colorado-Ute to purchase 10 mw of power and 1,000 hours of energy annually from the Bureau, and gives the Bureau the right to purchase certain surplus energy available from the Hayden Station, all upon certain terms and conditions set forth therein. This Agreement has been approved by the Administrator of the Rural Electrification Administration, and the terms thereof are just and reasonable and are in the public interest.

12. That the aforesaid arrangements entered into between Colorado-Ute and Public Service and between Colorado-Ute and the Bureau, constitute an entirely different manner and method for the operation and maintenance of the Hayden Station by Colorado-Ute from that authorized by this Commission following the hearings held in 1962. Specifically, under the instant application and the record made in support thereof, Public Service will provide a portion of Colorado-Ute's power requirements and firm transmission service for Colorado-Ute to two of its members, Holy Cross Electric Association, Inc., and San Luis Valley Rural Electric Cooperative, Inc. Public Service and the Bureau will also purchase certain surplus energy from Colorado-Ute. The effect of these arrangements



will be beneficial to all of the parties involved, Colorado-Ute, Public Service, and the Bureau, and will be beneficial to the members and consumers of these utilities and to the public generally. The arrangements result in the optimum use of Public Service's transmission facilities by Colorado-Ute. They also permit Colorado-Ute to purchase power from Public Service in an orderly manner, i.e., as it is needed to meet the growing needs of its members, and this is advantageous to Colorado-Ute. These arrangements also result in the optimum use of the Hayden Station by permitting Public Service to purchase certain surplus energy from Colorado-Ute. This will permit the Hayden Station to be operated in a more efficient manner, as it has surplus energy available from time to time and this is beneficial to both parties. There is also benefit to the Bureau insofar as it is given the right to purchase certain surplus energy. By virtue of these arrangements, Public Service is saved unnecessary investment in plant, and the market for Hayden generated energy is expanded. Colorado-Ute is saved unnecessary investment in transmission facilities, and likewise, by virtue of the Hayden Station and its related facilities, the Bureau is also saved considerable investment in transmission facilities, that would otherwise be necessary if it were to market Colorado River Storage Project power where needed. The exchange of Hayden power for Glen Canyon power is beneficial. In summary, there is a need for the Hayden Station and the related facilities, no duplication will result from the operation and maintenance of the Station and facilities under the agreements that have been executed by the parties, and operations under these agreements should benefit all consumers in the State. Furthermore, the agreements are in accordance with the regulatory principles established by the laws of the State of Colorado.

13. That no physical or economic duplication of the electric facilities of any other utilities will be caused by or result from the operation and maintenance by Colorado-Ute of the facilities hereinabove described in accordance with the Agreements mentioned previously.

14. That Colorado-Ute should be granted a certificate of public convenience and necessity authorizing it to generate and transmit electric power and energy for sale at wholesale to its Colorado members above-described and to operate and maintain the facilities above-described.

15. That said certificate should also authorize Colorado-Ute to render service to Public Service under the aforementioned Agreements dated October 9, 1967, and upon the terms and conditions set forth therein.

16. That said certificate should also authorize, to the extent that this Commission has jurisdiction to do so, Colorado-Ute to render service to Salt River and the Bureau.

17. That said certificate should also authorize Colorado-Ute to operate and maintain the facilities described in the above Statement.

18. That the public interest and the present and future public convenience and necessity require and will require the granting of the aforesaid certificate, and such grant is consistent with the provisions of 1963 Colorado Revised Statutes, Chapter 115.

19. That Colorado-Ute is and will be financially and otherwise able to operate and maintain the facilities above-described, to render the service described herein and to meet all of its debts, including that to the United States of America.

20. That Colorado-Ute issued, in accordance with the authority granted in our Decision No. 60156, notes in the aggregate amount of \$22,876,000.00, and a mortgage securing the same to the

United States of America, and the issuance of said notes and mortgage should be approved, ratified and confirmed.

21. That the aforesaid securities transaction is not inconsistent with the public interest; and that the purpose or purposes thereof, namely, the financing of the above-described facilities are permitted by, and are consistent with the provisions of 1963 Colorado Revised Statutes, Chapter 115.

22. That public convenience and necessity require that Colorado-Ute be authorized to render wholesale electric service to its members above-described, to Public Service, pursuant to the Agreement and Power Purchase Agreement between them dated October 9, 1967, and to the extent that this Commission has jurisdiction, to render service to Salt River and the Bureau.

23. That public convenience and necessity also require that Colorado-Ute be authorized to operate and maintain the Hayden Station and related facilities above described.

24. That the sources of energy available and existing at the time of the yearings in 1962, other than the energy proposed to be provided by the Hayden Plant, are now so materially and substantially reduced, and the demands for energy now existing are so materially and substantially increased over the demands for energy existing at the time of the hearings in 1962, that the sources of energy now available, other than from the Hayden Plant, are inadequate to meet the present demands for energy; that operation of such Plant will not constitute duplication of facilities; and public convenience and necessity require that the application be granted as set out herein.

25. That the following Order should issue, to be effective forthwith.

O R D E R

THE COMMISSION ORDERS:

That Colorado-Ute Electric Association, Inc., be and it is hereby authorized to render wholesale electric service to its following-named Members, to-wit:

Arkansas Valley G & T, Inc.;  
Delta-Montrose Rural Power Lines Association;  
Empire Electric Association, Inc.;  
Grand Valley Rural Power Lines, Inc.;  
Gunnison County Electric Association, Inc.;  
Holy Cross Electric Association, Inc.;  
La Plata Electric Association, Inc.;  
San Luis Valley Rural Electric Cooperative, Inc.;  
San Miguel Power Association, Inc.;  
White River Electric Association, Inc.; and  
Yampa Valley Electric Association, Inc.

That Colorado-Ute Electric Association, Inc., be and it is hereby authorized to render service to Public Service Company of Colorado pursuant to the Agreement and Power Purchase Agreement by and between the parties dated October 9, 1967.

That to the extent this Commission has jurisdiction, Colorado-Ute Electric Association, Inc., be and it is hereby authorized to render service to the Salt River Project Agricultural Improvement and Power District and to the United States Bureau of Reclamation.

That Colorado-Ute Electric Association, Inc., be and it is hereby authorized to operate and maintain its steam electric generating plant, having a nominal rating of 150,000 Kw, near Hayden, Colorado, together with its necessary attendant facilities and the following transmission lines, interconnections, substations, terminal and switching facilities:

- (1) Interconnect at 138 Kv and 230 Kv with the substation of the United States Bureau of Reclamation, near Hayden.
- (2) The necessary transformation, terminal facilities and transmission lines for Colorado-Ute to interconnect with the 69 Kv circuit of Yampa Valley Electric Association, Inc., between Oak Creek and Craig, Colorado.

- (3) 138 Kv transmission line from Hayden to Rifle, Colorado, via Meeker, with facilities at Meeker for interconnection with Moon Lake transmission line extending from Meeker to Rangely, Colorado.
- (4) 115 Kv transmission line from Rifle to Collbran, Colorado, with the necessary terminal and transformation facilities at 115 and 138 Kv and also the necessary terminal and transformation facilities necessary to connect to a 69 Kv circuit extending from Rifle to Meeker and the necessary terminal and transformation facilities to connect to the 7.2/12.47 Kv circuit of Holy Cross Electric Association, Inc.
- (5) A step down substation from Public Service Company of Colorado's 115 Kv circuit at Basalt to supply service at 69 Kv and the necessary terminal and transformation facilities to connect to the 14.4/24.9 Kv circuit of Holy Cross Electric Association, Inc.
- (6) 69 Kv transmission line from Basalt to Eagle and from Basalt to Aspen with terminal and transformation facilities at each location.
- (7) The necessary facilities for the interconnection with the facilities of the United States Bureau of Reclamation at Collbran and to the Morrow Point-Montrose 115 Kv circuit at Montrose, Colorado.
- (8) The necessary facilities for transformation and interconnection with the Bureau of Reclamation to supply Gunnison County Electric Association, Inc.

That this Order shall be taken, deemed and held to be a Certificate of Public Convenience and Necessity therefor.

That the issuance by Colorado-Ute Electric Association, Inc., of notes to the United States of America for the aggregate amount of \$22,876,000.00, and a mortgage securing the same, be and the same are hereby approved, ratified and confirmed.

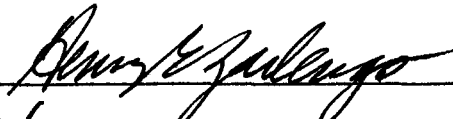
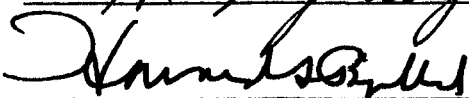
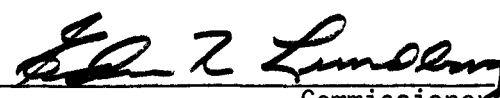
That nothing herein contained shall be construed to imply any recommendation or guaranty of, or any obligation with respect to, said securities on the part of the State of Colorado.

That the Commission retains jurisdiction of this proceeding to the end that it may make such further Order or Orders

in the premises as to it may seem to be proper and desirable.

That the authority granted herein shall be exercised from and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 22nd day of December, 1967.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF APPLICATION )  
OF CLIFTON EIDSON, 4821 SOUTH )  
JASON, ENGLEWOOD, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 22918

-----  
December 27, 1967  
-----

Appearances: Clifton Eidson, Englewood,  
Colorado, pro se.  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Colorado Transfer &  
Warehousemen's Association, Amick  
Transfer & Storage Co., Bekins Van  
& Storage Co., Buehler Transfer Co.,  
Johnson Storage and Moving Co.,  
and Weicker Transfer and Storage  
Co., Protestants;  
Marion F. Jones, Esq., Denver,  
Colorado, for Tiller's Inc.,  
Protestant.

PROCEDURE AND RECORD

On November 13, 1967, Clifton Eidson, 4821 South Jason, Englewood, Colorado, filed the instant application (No. 22918) for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of used household goods, point to point, in the Counties of Arapahoe, Denver and Jefferson, State of Colorado; said transportation restricted against service to any commercial business and further restricted to the use of one (1) 3/4 ton truck. On December 4, 1967, Tillers, Inc. filed a protest to the instant application. On December 5, 1967, Colorado Transfer & Warehousemen's Association, Amick Transfer & Storage Co., Bekins Van & Storage Co., Buehler Transfer Co., Johnson Storage and Moving Co. and The Weicker Transfer and Storage Co. filed a joint protest to the instant application.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on

the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 15, 1967. On December 20, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant and the Protestants stipulated that the authority, if granted, would contain the following restriction:

"Restricted, however, in that the authority shall not be transferred, leased or assigned to any other person, firm, corporation or association."

This stipulation being restrictive in nature was granted and approved by the Hearing Examiner and upon such approval, the Protestants withdrew their respective protests. The ruling of the Hearing Examiner granting and approving the said stipulation is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions reads as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant holds no previously granted authority from this Commission, except for Commercial Carrier Permit No. M-5915.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as follows:

"Transportation of used household goods, point to point, in the Counties of Arapahoe, Denver and Jefferson, State of Colorado; said transportation restricted against service to any commercial business and further restricted to the use of one (1) 3/4 ton truck."

3. Applicant desires only to conduct a business of transporting odds and ends (miscellaneous household goods) for various and sundry individuals.



4. The restriction against transferring, leasing or assigning this authority is in keeping with the intent and desire of the Applicant.
5. Applicant will obtain one 3/4 ton truck, has 3 years of experience in related fields, and a net worth of \$4,000, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. There is a present and special need for the service and the granting of the authority as described below will be in the public interest.
8. The existing service is inadequate to meet the particular transportation requirements sought herein and the present or future public convenience and necessity requires or will require such service.
9. The authority should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Clifton Eidson, to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation of used household goods, point to point, in the Counties of Arapahoe, Denver and Jefferson, State of Colorado; restricted, however, against service to any commercial business, to the use of one (1) 3/4 ton truck and further restricted in that the authority shall not be transferred, leased or assigned to any other person, firm, coporation or association."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto.

#### O R D E R

##### THE COMMISSION ORDERS:

That Clifton Eidson, 4821 South Jason, Englewood, Colorado, be and hereby is, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation of used household goods, point to point, in the Counties of Arapahoe, Denver and Jefferson, State of Colorado.

RESTRICTIONS: (1) Restricted against service to any commercial business.  
(2) Restricted to the use of one (1) 3/4 ton truck.  
(3) Restricted in that the authority shall not be transferred, leased or assigned to any other person, firm, corporation or association;"

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

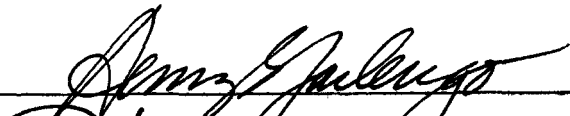
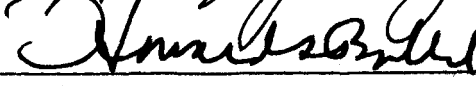
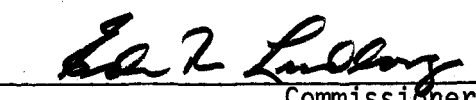
That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 27th day of December, 1967.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DEAN M. ODEN, BOX 26, HIDEAWAY )  
PARK, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 22913

-----  
December 27, 1967  
-----

Appearances: Sidney H. Tellis, Esq., Denver,  
Colorado, for Applicant.

PROCEDURE AND RECORD

On November 10, 1967, Dean M. Oden, Box 26, Hideaway Park, Colorado, filed the instant application (No. 22913) for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as hereinafter set forth.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 15, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as listed in this application.
3. Applicant has a 1966 Plymouth Station Wagon, 14 years of experience in related fields, and a net worth of \$15,140 (see Exhibit No. 2), all of which are ample and suitable for operation of the authority sought herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is presently no service available in the area, and the present and future public convenience and necessity requires or will require the proposed authority.
6. There is a present and special need for the service and the granting of the authority will be in the public interest.
7. The authority to be granted herein should be restricted so as to require that all services originate within a radius of 20 miles of Hideaway Park, which restriction was agreeable to the Applicant.
8. The authority should be granted.

### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Dean M. Oden, to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation, by taxicab, of passengers, on call and demand, from point to point within a twenty (20) mile radius of Hideaway Park, Grand County, Colorado, and from said area to points in the State of Colorado."

Pursuant to the provisions of 1963 CRs 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

### O R D E R

#### THE COMMISSION ORDERS:

That Dean M. Oden, Box 26, Hideaway Park, Colorado, be, and

and hereby is, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation, by taxicab, of passengers, on call and demand, from point to point within a twenty (20) mile radius of Hideaway Park, Grand County, Colorado, and from said area to points in the State of Colorado;"

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

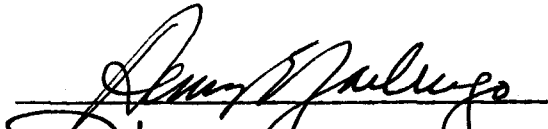

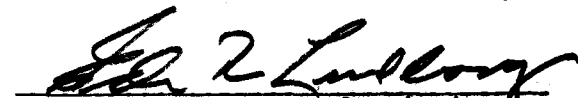
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 27th day of December, 1967.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM I. OBA AND HENRY OBA, DOING )  
BUSINESS AS "OBA PRODUCE COMPANY," )  
721 SEVENTH STREET, ALAMOSA, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. 3911 )  
TO OBA PRODUCE COMPANY, A COLORADO )  
CORPORATION, 721 SEVENTH STREET, )  
ALAMOSA, COLORADO. )

APPLICATION NO. 22898-Transfer

-----  
December 27, 1967  
-----

Appearances: William O. DeSouchet, Jr., Esq.,  
Alamosa, Colorado, for Transferors  
and Transferee.

PROCEDURE AND RECORD

On October 31, 1967, William I. Oba and Henry Oba, doing business as "Oba Produce Company," 721 Seventh Street, Alamosa, Colorado, and Oba Produce Company, a Colorado corporation, 721 Seventh Street, Alamosa, Colorado, filed the instant joint application (No. 22898-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 3911 from William I. Oba and Henry Oba to Oba Produce Company.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted

by the Examiner. These Findings of Fact and Conclusions read as follows:

FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferors herein, William I. Oba and Henry Oba, doing business as "Oba Produce Company," are the present owners and operators of PUC No. 3911, which they have in the past continually operated and which presently is in good standing with the Commission. Said Certificate is described as follows:

"Decision #48388: Transportation of lettuce, spinach, cabbage, peas and cauliflower, in refrigerated trucks, from points within a thirty-mile radius of Alamosa, Colorado, to Denver, Colorado, subject to the terms and conditions hereafter;

(A) That for the transportation of the above-named commodities between points served singly or in combination by scheduled common carriers applicants shall charge rates which shall be as much as twenty percent higher in all cases than those charged by scheduled carriers;

(B) That applicants shall not operate on schedule between any points.

Decision #60213: EXTENDED TO include transportation of seed, fertilizer, and farm products, excluding livestock, between Denver, Colorado and points within a radius of fifty miles of Alamosa, Colorado, provided, however, that there shall be no service in competition with the scheduled line-haul authority of Rio Grande Motor Way, Inc., under PUC #149."

2. Transfer herein, Oba Produce Company, holds no previously granted authority from this Commission.
3. Transferee is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
4. The purpose of this proceeding is to transfer the authority to corporate ownership with former partner, Henry Oba, being the President of the new corporation.
5. The parties have entered into an Agreement for the transfer of Certificate No. PUC-3911, there is no consideration involved, and the Certificate is free and clear of any debts, encumbrances or obligations.
6. Applicants have duly and properly applied for the transfer.
7. Transferee corporation has two 1964 Ford Vans, a 1958 Ford Van, and a 1960 Ford Express Truck, and ten years of experience in related fields, both of which are ample and sufficient for operation of the authority sought herein.
8. Transferee corporation shows a negative net worth; however, the business has shown a profit over the past four months and net worth is of no great consequence in this proceeding.

9. Transferee corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission, and has or will make adequate provision for insurance.
10. If this transfer is approved, the Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
11. The transfer is compatible with the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing William I. Oba and Henry Oba, doing business as "Oba Produce Company," to transfer all of their rights, title and interest in and to Certificate PUC No. 3911 to Oba Produce Company, a Colorado corporation, and that henceforth the authority shall be described as follows:

"Transportation of seed, fertilizer and farm products (excluding livestock) between Denver, Colorado and points within a radius of fifty (50) miles of Alamosa, Colorado.

RESTRICTED against service in competition with scheduled line-haul authority of Rio Grande Motor Way, Inc., under Certificate No. 149."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

##### THE COMMISSION ORDERS:

That William I. Oba and Henry Oba, doing business as "Oba Produce Company," 721 Seventh Street, Alamosa, Colorado, be, and hereby are, authorized to transfer all rights, title, and interest in and to PUC No. 3911 to Oba Produce Company, a Colorado corporation, 721 Seventh Street, Alamosa, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3911 shall be as follows, to-wit:

"Transportation of seed, fertilizer and farm products (excluding livestock) between Denver, Colorado and points within a radius of fifty (50) miles of Alamosa, Colorado.

RESTRICTED against service in competition with scheduled line-haul authority of Rio Grande Motor Way, Inc., under Certificate No. 149."






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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioner

Dated at Denver, Colorado,  
this 27th day of December, 1967.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
A. E. Blaser )  
Midwest Moving & Storage )  
114-18 West Dunklin )  
Jefferson City, Missouri )

AUTHORITY NO. M-1539

CASE NO. 2243-M-Ins.

-----  
December 27, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 24, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

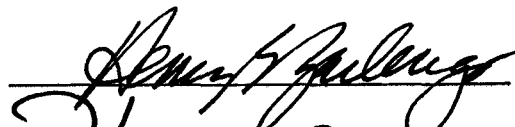
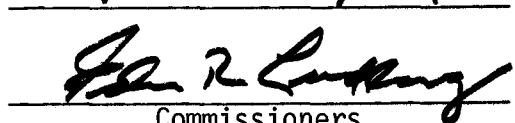
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
27th day of December 1967 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BETTY J. CLARK AND PATRICIA J. )  
SULLIVAN, CO-PARTNERS, DOING BUSINESS )  
AS "MILE HI AVIATION CO.," RIFLE, )  
COLORADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC NO. )  
ACH-28, AUTHORIZING TRANSPORTATION, )  
BY HELICOPTER, OF PERSONS AND PROPERTY, )  
NOT ON SCHEDULE, BUT ON CALL AND DEMAND, )  
FROM, TO, AND BETWEEN ALL POINTS IN THE )  
STATE OF COLORADO, WITH BASES OF OPER- )  
ATIONS AT ASPEN, VAIL, AND EAGLE, COLO- )  
RADO, AND AIRPORTS WITHIN A TEN-MILE )  
RADIUS OF SAID CITIES. )

APPLICATION NO. 22901-Extension

-----  
December 28, 1967  
-----

Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicants;  
James E. Horigan, Esq., Denver,  
Colorado, for Pease-Hamilton  
Helicopters, Inc., Protestant;  
Robert S. Wham, Esq., Denver,  
Colorado, for Vail Airways,  
Inc., Protestant;  
Ray Wilson, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On November 3, 1967, Betty J. Clark and Patricia J. Sullivan, co-partners, doing business as "Mile Hi Aviation Co.," Rifle, Colorado, filed the instant application (No. 22901-Extension), for an extension of operations under ACH-28 as set forth in the application. On November 9, 1967, Pease-Hamilton Helicopters, Inc. filed a protest to the proposed extension. Also on November 9, 1967, Vail Airways, Inc. entered its protest to the above-entitled application.

On November 10, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State

Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 17, 1967. On December 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

On September 26, 1967, Pease-Hamilton Helicopters, Inc., filed Application No. 22834 for authority to operate as a common carrier by helicopter which is identical to that filed by the Applicant herein. On November 3, 1967, Applicant filed Petition for Joint Hearing or Alternatively For Joint Decisional Consideration of Application No. 22901-Extension and Application No. 22834.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant and the Protestants stipulated and agreed that Applications No. 22834 and No. 22901-Extension be heard on a joint record but that said applications would be considered separately and separate orders would issue. The ruling of the Hearing Examiner granting and approving the said stipulation is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants, Betty J. Clark and Patricia J. Sullivan, partners, doing business as "Mile Hi Aviation Co.," presently hold authority designated as ACH-28, issued by Decision No. 58353 dated April 9, 1962, and described as attached.
2. By the instant application, Applicants seek to extend operations under PUC No. ACH-28, authorizing transportation, by helicopter, of persons and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado, with bases of operations at Aspen, Vail, and Eagle, Colorado, and airports within a ten-mile radius of said cities.

3. Protestant, Pease-Hamilton Helicopters, Inc., is a Colorado corporation and the present holder of Certificate of Public Convenience and Necessity designated as ACH-50, description of which is attached.
4. Vail Airways, Inc., a Colorado corporation, holds Certificate of Authority (as far as this hearing is concerned) as a scheduled air carrier, as more fully set out on the multi-page document designated "Protestant's Exhibit A" in this proceeding. Also, Vail Airways, Inc. has pending before this Commission its Application No. 22906, of which notice is taken.
5. Certain aspects of the evidence were conflicting and contradictory.
6. The authority herein sought does not duplicate or otherwise transgress any authority presently held by Applicant.
7. Applicant has duly and properly applied for the authority sought herein.
8. Betty J. Clark and Patricia J. Sullivan, partners, doing business as "Mile Hi Aviation Co.," do not have equipment, experience or financial ability, nor do they even desire to carry on the service as proposed herein.
9. These Applicants have, in fact, abandoned their common carrier authority in Aspen, Colorado, as well as other areas covered by this Certificate.
10. Applicants have, in conjunction with others not parties to this proceeding, misused their authority from this Commission and have otherwise conducted their business under their authority from this Commission so as to leave considerable doubt as to the desirability of their holding authority from this Commission.
11. The extension authority as requested herein should be denied.

#### CONCLUSIONS

That the Commission make and enter its Order denying the above application.

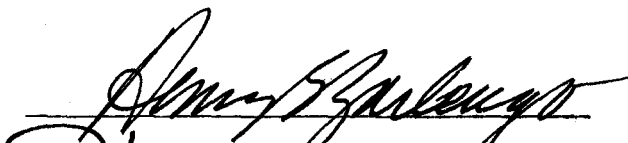
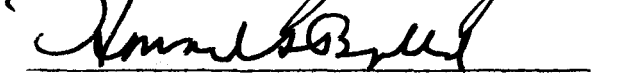
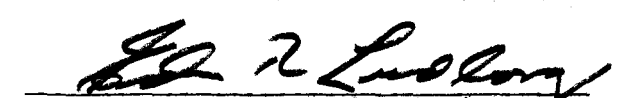
Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Application No. 22901-Extension, be, and the same hereby  
is, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PEASE-HAMILTON HELICOPTERS, INC., )  
1517 DENVER CLUB BUILDING, DENVER, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING OPERATION AS A COMMON )  
CARRIER BY HELICOPTER FOR THE )  
TRANSPORTATION OF PERSONS AND )  
PROPERTY, NOT ON SCHEDULE, BUT )  
ON CALL AND DEMAND, FROM, TO AND BETWEEN )  
ALL POINTS IN THE STATE OF COLORADO, )  
WITH BASES OF OPERATIONS AT ASPEN, VAIL, )  
AND EAGLE, COLORADO, AND AIRPORTS )  
WITHIN A TEN MILE RADIUS OF SAID CITIES. )

APPLICATION NO. 22834

-----  
December 28, 1967  
-----

Appearances: James E. Horigan, Esq., Denver,  
Colorado, for Applicant;  
John P. Thompson, Esq., Denver,  
Colorado, for Mile Hi Aviation  
Co., Protestant;  
Robert S. Wham, Esq., Denver,  
Colorado, for Vail Airways,  
Inc., Protestant;  
Ray Wilson, Denver, Colorado,  
of the Staff of the Commission.

PROCEDURE AND RECORD

On September 26, 1967, Pease-Hamilton Helicopters, Inc., 1517  
Denver Club Building, Denver, Colorado, filed the instant application  
(No. 22834) for a certificate of public convenience and necessity to  
operate as a common carrier by helicopter for the transportation of persons  
and property, not on schedule, but on call and demand, from, to, and  
between all points in the State of Colorado, with bases of operations at  
Aspen, Vail, and Eagle, Colorado, and airports within a ten (10) mile radius  
of said cities.

On November 3, 1967, protest to the instant application was filed  
by Betty J. Clark and Patricia J. Sullivan, co-partners doing business as

"Mile Hi Aviation Co." A protest by Vail Airways, Inc. was filed on November 3, 1967 to the instant application.

On October 5, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 17, 1967. On December 12, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

Prior to the hearing, Betty J. Clark and Patricia J. Sullivan, doing business as "Mile Hi Aviation Co.," filed Application No. 22901-Extension for similar authority to that sought by the instant application. On November 3, 1967, Mile Hi Aviation Co. also filed a Petition for Joint Hearing or Alternatively for Joint Decisional Consideration of Application No. 22834 and 22901-Extension.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant and Protestants stipulated and agreed that Applications No. 22901-Extension and Application No. 22834 be heard on a joint record but that said applications would be considered separately and separate orders would issue. The ruling of the Hearing Examiner granting and approving the said stipulation is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:



1. Applicant is a Colorado corporation and the present holder of Certificate of Public Convenience and Necessity designated as ACH-50, description of which is attached.
2. By the instant application, Applicant seeks a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by helicopter for the transportation of persons and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado, with bases of operations at Aspen, Vail, and Eagle, Colorado, and airports within a ten (10) mile radius of said cities.
3. Protestants, Betty J. Clark and Patricia J. Sullivan, partners, doing business as "Mile Hi Aviation Co.," presently hold authority designated as ACH-28, issued by Decision No. 58353 dated April 9, 1962, and described as attached.
4. Vail Airways, Inc., a Colorado corporation, holds Certificate of Authority (as far as this hearing is concerned) as a scheduled air carrier, as more fully set out on the multi-page document designated "Protestant's Exhibit A" in this proceeding. Also, Vail Airways, Inc. has pending before this Commission its Application No. 22906, of which notice is taken.
5. Certain aspects of the evidence were conflicting and contradictory.
6. The authority herein sought does not duplicate or otherwise transgress any authority presently held by Applicant.
7. Applicant has duly and properly applied for the authority sought herein.
8. Applicant has sufficient equipment (see Exhibit No. 5), ample experience in the operation of helicopters and transportation of passengers and, further, Applicant has experimented with the specific service proposed herein, and Applicant has sufficient net worth, all of which are ample and suitable for operation of the authority sought herein.
9. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has made adequate provision for insurance.
10. The proposed service, which is that of transporting skiers to and from ski areas - even between mountains in the same ski area - and otherwise performing a special service to the skiing industry, is new and novel, particularly in this area, and no such service as fully contemplated by the Applicant has heretofore been performed anywhere in the world.
11. Numerous public witnesses expressed extreme enthusiasm for the service as proposed by this Applicant.

12. The operation of the authority as proposed by the Applicant would serve a need and be of great benefit to the skiing industry, and the present and future public convenience and necessity requires or will require the proposed authority.
13. The service as proposed by the Applicant is unique and otherwise of such a nature that said service in and of itself could be a great boon to the skiing industry in the State of Colorado.
14. The skiing industry in the State of Colorado has grown by such leaps and bounds in the past few years that transportation facilities have not kept up with demands and a service such as this would greatly alleviate some of the lack of facilities that presently exist.
15. Applicant, in this instance, is well able financially and experience-wise to inaugurate and continue to perform the service as proposed herein and it should be noted that the Applicant, in contemplation of seeking this authority, conducted numerous studies and experiments which should be beneficial to this Applicant in carrying out the authority sought.
16. The operations as contemplated by the Applicant in this proceeding would be economically feasible, would be useful and desirable and would serve the public purpose.
17. Protestant, Vail Airways, Inc., should be protected to the extent that Applicant should charge fares equal to 120% of that charged by Vail Airways, Inc. when transporting passengers on a per seat basis and in competition with Vail Airways, Inc. scheduled service, which restriction completely satisfies the Protestant, Vail Airways, Inc.
18. Betty J. Clark and Patricia J. Sullivan, partners, doing business as "Mile Hi Aviation Co.," do not have equipment, experience or financial ability, nor do they even desire to carry on the service as proposed herein.
19. The authority, with certain restrictions as hereinafter set forth, should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order granting the Applicant, Pease-Hamilton Helicopters, Inc., a Certificate of Public Convenience and Necessity to operate as a common carrier by helicopter for hire with authority to be designated as follows:

"Transportation, by helicopter, of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with bases of operations at Aspen, Vail and Eagle, Colorado, and airports within a ten (10) mile radius of said cities; restricted, however, in that when transporting passengers on a per seat basis and in competition with Vail Airways, Inc. scheduled service, a fare of 120% of the regular fare being charged by Vail Airways, Inc. shall be charged."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Pease-Hamilton Helicopters, Inc., 1517 Denver Club Building, Denver, Colorado, be, and hereby is, authorized to operate as a common carrier by helicopter for

"Transportation, by helicopter, of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with bases of operations at Aspen, Vail and Eagle, Colorado, and airports within a ten (10) mile radius of said cities; restricted, however, in that when transporting passengers on a per seat basis and in competition with Vail Airways, Inc. scheduled service, a fare of 120% of the regular fare being charged by Vail Airways, Inc. shall be charged;"

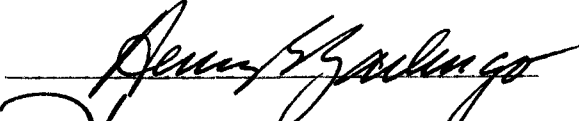
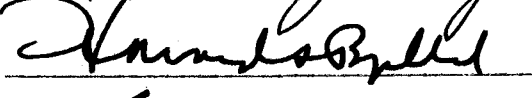
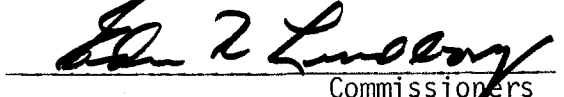
and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission, and all required reports within thirty (30) days from date hereof.

The applicant shall carry suitable insurance protection covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.

1s

(Decision No. 70615)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF CONRAD C. FLETCHER, DOING )  
BUSINESS AS "FLETCHER CONSTRUCTION )  
COMPANY," 2985 INDIANA, GOLDEN, )  
COLORADO, FOR A CLASS "B" PERMIT )  
TO OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 22926-PP

-----  
December 28, 1967  
-----

Appearances: Conrad C. Fletcher, Golden,  
Colorado, pro se.

PROCEDURE AND RECORD

On November 14, 1967, Conrad C. Fletcher, doing business as "Fletcher Construction Company," 2985 Indiana, Golden, Colorado, filed the instant application (No. 22926-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of sand, gravel, and other commodities as set forth in the application.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 15, 1967. On December 18, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record

of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of sand, gravel and related commodities, as listed in this application.
3. Applicant has a 1960 Ford Tandem Dump Truck and a 1951 Mack Tractor with Low Boy Trailer, 11 years of experience in related fields and a net worth of \$150,000, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Conrad C. Fletcher, doing business as "Fletcher Construction Company," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities with the territory or area described:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles.

Transportation of equipment and materials to be sand blasted, to and from points in Adams, Arapahoe, Boulder, Jefferson and Denver Counties, State of Colorado; from and to the A-1 Sand Blasting Co., 1948 West 14th Avenue, Denver, Colorado, only."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Conrad C. Fletcher, doing business as "Fletcher Construction Company," 2985 Indiana, Golden, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles.

Transportation of equipment and materials to be sand blasted, between, the A-1 Sand Blasting Co., 1948 West 14th Avenue, Denver, Colorado, on the one hand and points in the Counties of Adams, Arapahoe, Boulder, Denver and Jefferson, State of Colorado, on the other."

and this ORDER shall be deemed to be, and be a PERMIT therefor.


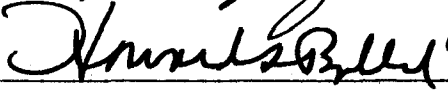
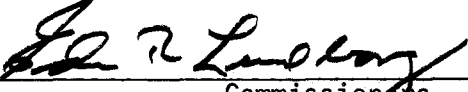
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
bk

(Decision No. 70616)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ANSELMO TRUJILLO, 550 EAST 1ST )  
STREET, CENTER, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 22845-PP

-----  
December 28, 1967  
-----

Appearances: Anselmo Trujillo, Center,  
Colorado, pro se.

PROCEDURE AND RECORD

On October 4, 1967, Anselmo Trujillo, 550 East 1st Street, Center, Colorado, filed the instant application (No. 22845-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of potatoes and hay from point to point within a 50-mile radius of Center, Colorado, and also that in the event the authority sought herein is granted, that said operating rights be known as Permit No. B-6400, being the number of a permit formerly held by him.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:



### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not presently hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of potatoes and hay from point to point within a 50-mile radius of Center, Colorado.
3. Applicant requests, in the event the authority herein sought is granted, that said operating rights be known as "Permit No. B-6400," being the number of a permit formerly held by him.
4. Applicant has two Chevrolet trucks, 2-ton, 1955 and 1958, (will add more as needed), seven years of experience in related fields, and a net worth of \$15,000, all of which are ample and sufficient for operation of the authority requested herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
8. The granting of the authority as applied for will be in the public interest and should be granted.

### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Anselmo Trujillo, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of potatoes and hay from point to point within a 50-mile radius of Center, Colorado."

That said operating rights be henceforth known as "Permit No. B-6400," being the number of a permit formerly held by Applicant.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Anselmo Trujillo, 550 East 1st Street, Center, Colorado, be and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of potatoes and hay from point to point within a 50-mile radius of Center, Colorado;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

That said operating rights granted herein shall be known as Permit No. B-6400, being the number of a permit formerly held by Applicant.

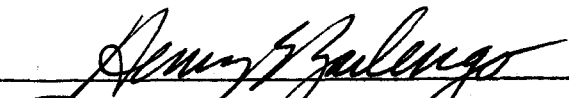

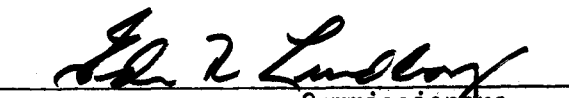
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
bk

(Decision No. 70617)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FRED M. MONDRAGON, RFD, BOX )  
34, ANTONITO, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 22863-PP

-----  
December 28, 1967  
-----

Appearances: Fred M. Mondragon, Antonito,  
Colorado, pro se.

PROCEDURE AND RECORD

On October 16, 1967, Fred M. Mondragon, RFD, Box 34, Antonito, Colorado, filed the instant application (No. 22863-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of sand, gravel, and related commodities as set forth in the application and also requesting that in the event the authority sought herein is granted that Permit No. B-6129 be given to Applicant, said Permit No. B-6129 being the number of a permit formerly held by Applicant.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted

by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not presently hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for sand, gravel and related commodities, as listed in this application.
3. Applicant requests, in the event the authority herein sought is granted, that said operating rights be known as "Permit No. B-6129," being the number of permit formerly held by him.
4. Applicant has a 1957 Chevrolet 2-ton Truck, five years of experience in related fields, and a net worth of \$10,000, all of which are ample and suitable for operation of the authority applied for herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
7. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
8. The granting of the authority as applied for will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing Fred M. Mondragon, the Applicant herein, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles."

That said operating rights shall henceforth be known as "Permit No. B-6129," being the number of a permit formerly held by Applicant.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

### O R D E R

#### THE COMMISSION ORDERS:

That Fred M. Mondragon, Antonito, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

That said operating rights granted herein shall henceforth be known as Permit No. B-6129, the number of a permit formerly held by Applicant.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

The right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Gault*  
\_\_\_\_\_  
*Donald B. Bell*  
\_\_\_\_\_

*Ed R. Paulson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER  
CERTIFICATE No. 420 & I

BY: BOOK TRUCK LINE  
5600 EAST PIKES PEAK  
COLORADO SPRINGS, COLORADO

Respondent

CASE No. 123-T  
SUPPLEMENTAL ORDER

-----  
December 8, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the respondent herein has complied as required by law and the Rules and Regulations of the Commission and has shown good cause why the above captioned and numbered operating rights should not be revoked, the Commission states and finds that the herein entitled case should be dismissed as set forth in the Order following.

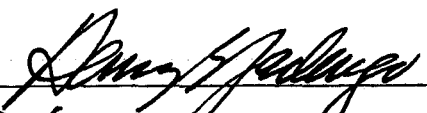
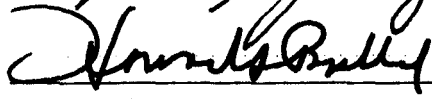

O R D E R

THE COMMISSION ORDERS:

That the above entitled case be, and the same hereby is, dismissed forthwith.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
8th day of December, 1967. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
UNION RURAL ELECTRIC ASSOCIATION, )  
INC., BRIGHTON, COLORADO, FOR AUTHOR- )  
ITY TO ISSUE SECURITIES IN PRINCIPAL )  
AMOUNT OF \$1,291,000 AND THE APPLI- )  
CATION OF THE PROCEEDS THEREFROM FOR )  
CERTAIN SPECIFIED PURPOSES. )

APPLICATION NO. 22945-Securities

-----  
December 28, 1967  
-----

Appearances: Miller and Ruyle, Esq., Greeley,  
Colorado, by  
Robert A. Ruyle, Esq., for  
Applicant;  
J. M. McNulty, Denver, Colorado,  
and  
E. R. Thompson, Denver, Colorado,  
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On December 1, 1967, Union Rural Electric Association, Inc. (Union) filed with the Commission the above entitled Application, (1) For authority to issue a Mortgage Note for \$1,291,000 payable to the United States of America bearing interest at the rate of two per cent (2%) per annum and payable within thirty-five (35) years after the date thereof; (2) To execute a Supplemental Mortgage to secure such note; and (3) To approve an Amended Loan Contract dated March 3, 1967; amending the Loan Contract between Union and the United States of America dated September 24, 1962, as amended September 24, 1964, and setting a maximum which may be borrowed by the Applicant at \$8,007,000.

The matter was set for hearing after due notice to all interested parties on December 19, 1967 at 9:00 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was there heard by Commissioner Edwin R. Lundborg and at the conclusion thereof taken under advisement.



No protests were filed with the Commission with regard to this Application and no one appeared at the hearing in opposition to the granting of the authority sought therein.

The Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its customers on its lines in the Counties of Adams, Boulder, Gilpin, Grand, Jefferson and Weld in the State of Colorado and owns and operates certain electric distribution and related facilities in said Counties. Union's customers, on December 31, 1966, totalled 6,008, Applicant's Exhibit No. 11.

By Application No. 20428, Union applied for and received a full area certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 63322, July 20, 1964.

The Applicant's witness, Richard L. Arnold, General Manager of Union, testified summarily as follows: Union needs the loan funds sought to be approved in this Application for the improvement in its electrical system and for the construction, completion, extension and improvement of its properties and for the improvement and maintenance of its service and for other lawful purposes. The witness identified Applicant's Exhibit No. 2 as the form of the proposed Mortgage Note between Union and the United States of America; Applicant's Exhibit No. 3, as the form of the Supplemental Mortgage proposed between Union and the United States of America; and Applicant's Exhibit No. 4, as the form of Amending Loan Contract dated March 3, 1967, between Union and the United States of America. The witness testified that after approval of Union's Application, the proper officers of the Company would execute the Applicant's Exhibits 2, 3 and 4 and deliver the originals thereof to the United States of America.

Union proposes to use the \$1,291,000 from its loan for the construction and installation of the following electric facilities:

164 miles single phase pole line	\$ 366,027
8 miles three phase pole line	23,920
3.2 miles new tie lines	8,199
20.60 miles of line changes	41,712
718 transformers and 672 meters to serve customers	184,175
360 transformers and 360 meters to increase the capacity of existing customers	77,050
360 service connections required by new transformers and needed to serve existing customers	72,000
Miscellaneous equipment for sectionalizing and regulation	36,750
Engineering fees	43,656
Reimbursement of general funds for previously completed construction	295,707
300 security lights	37,500
Reimbursement of general funds for increased costs of construction under work covered by 1964 loan budget	80,702
Reimbursement of general funds for acquisition of properties	<u>23,602</u>
Total:	\$1,291,000

Richard L. Arnold testified that a loan study had been prepared on the basis of the estimated usage for the year 1968, (Applicant's Exhibit No. 5). The proposed loan is consistent with the financial needs and plans of Union as presented in its loan study.

Mr. Arnold identified Applicant's Exhibit No. 1 as the most recent audit report of Union dated August 31, 1967, and the Exhibit was submitted to show the financial position of Union on that date. The equities and margins of Union, for the year ending August 31, 1967, were approximately 15.9 per cent of the total capitalization of Union.

Mr. Arnold identified Applicant's Exhibit No. 6 as the letter from the United States of America approving the \$1,291,000 loan upon the condition that the Applicant increase its retail electric rates sufficient to produce approximate amounts of revenue shown in the financial forecast 1966 through 1975 of Union, Applicant's Exhibit No. 15. The advancement of Union's loan funds by the United States, requires that the revised retail electric rates of Union be approved by this Commission and that the same be placed in effect. Mr. Arnold identified Applicant's Exhibit No. 9, as a letter from the United States of America waiving, in part, the conditions approving the advancement of the proceeds from the

Applicants loan for the first \$420,000 thereof upon the condition that the Applicant have on file and pending with this Commission an Application seeking to change and modify its retail electric rates in an amount sufficient to produce the approximate revenues set forth in Union's financial forecast of 1966, Applicant's Exhibit No. 15.

The Applicant's witness, Robert R. Lessing, identified Applicant's Exhibit No. 7 as the cost estimates and loan budget outlining the purposes for the funds to be derived from the proposed loan in the amount of \$1,291,000.

Mr. Lessing then identified Applicant's Exhibit No. 13 and stated Exhibit No. 13 showed Union had reserve, restricted and cash funds on May 31, 1966, in the amount of \$505,003.12. Mr. Lessing identified Applicant's Exhibit No. 14 and stated Exhibit No. 14 showed Union had reserve, restricted and cash funds on October 31, 1967, in the amount of \$126,334.95. Mr. Lessing testified, that on the date of the hearing, practically all of the reserve and restricted funds of Union had been expended in payment of construction work and equipment purchases covered by the loan sought to be approved in this Application. Mr. Lessing testified that it was in the public interest and necessary for the continued operation of Union that the loan, in the amount of \$1,291,000 be approved by this Commission.

The Commission takes official notice that Union has on file with the Commission its Application No. 22987 for changes and modifications of its tariff including changes in retail electric rates in such amounts as to increase the revenues of Union to conform with its financial forecast of 1966, Applicant's Exhibit No. 15.

Mr. Arnold and Mr. Lessing testified that the present operating revenues of Union would be insufficient to meet its long range debt requirements, including payment of the proposed loan. Mr. Lessing was of the opinion that the operating revenues of Union would be sufficient with which to pay its debt requirements until the hearing by this Commission

on Union's Application for changes and modifications of its retail electric rates.

### F I N D I N G S

#### THE COMMISSION FINDS:

That Applicant, Union Rural Electric Association, Inc., is a public utility as defined in Chapter 115-1-3, Colorado Revised Statutes, 1963.

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

That this Commission is now fully advised in the premises.

That the issuance by Union Rural Electric Association, Inc. of a Mortgage Note in the amount of \$1,291,000, Applicant's Exhibit No. 2, in this proceeding, should be authorized and approved.

That the Amended Loan Contract dated March 3, 1967, amending Union's loan contract with the United States of America dated September 24, 1962, as amended September 24, 1964, Applicant's Exhibit No. 4 herein, should be authorized and approved.

That the Supplemental Mortgage, Applicant's Exhibit No. 3, between Union Rural Electric Association, Inc. and the United States of America should be authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,291,000 authorized herein, the Applicant should file with this Commission one conformed copy of such executed note and one conformed copy of the Supplemental Mortgage and Amended Loan Contract made in connection therewith.

That the issuance of the mortgage note in the amount of \$1,291,000 is not inconsistent with the public interest and that the purpose of purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

O R D E R

THE COMMISSION ORDERS:

That the issuance of a Mortgage Note for \$1,291,000 by Union Rural Electric Association, Inc. to the United States of America, Applicant's Exhibit No. 2 herein, be, and the same hereby is authorized and approved.

That the Supplemental Mortgage between Union Rural Electric Association, Inc. and the United States of America, Applicant's Exhibit No. 3 herein, be and the same hereby is authorized and approved.

That the Amending Loan Contract dated March 3, 1967, amending loan contract dated September 24, 1962, as amended September 24, 1964, between Union Rural Electric Association, Inc. and the United States of America, Applicant's Exhibit No. 4, be and the same is hereby authorized and approved.

That within one hundred twenty (120) days of the execution of the Mortgage Note for \$1,291,000 authorized herein, Union Rural Electric Association, Inc. shall file with this Commission one conformed copy of such executed note and one conformed copy of each other document made and entered into in connection therewith.


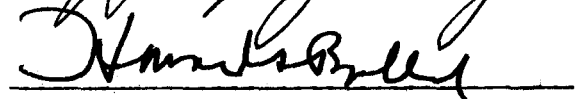

That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said issuance of the aforesaid securities on the part of the State of Colorado.

That the Commission retain jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as it may seem necessary and desirable.

That the authority herein granted shall be exercised from

and after the date of this Order and the Order herein contained shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF LEORA LUCILLE BLANKENBECKLER, )  
EXECUTRIX OF THE ESTATE OF WILLIAM )  
BLANKENBECKLER, DECEASED, 211 PLATTE )  
STREET, STERLING, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 992 )  
AND PUC NO. 992-I TO LEORA LUCILLE )  
BLANKENBECKLER, 211 PLATTE STREET, )  
STERLING, COLORADO. )

APPLICATION NO. 22914-Transfer

-----  
December 28, 1967  
-----

Appearances: Marion F. Jones, Esq., Denver, Colorado,  
for Applicant.

PROCEDURE AND RECORD

On November 9, 1967, Leora Lucille Blankenbeckler, Executrix of the Estate of William Blankenbeckler, Deceased, 211 Platte Street, Sterling, Colorado, and Leora Lucille Blankenbeckler, 211 Platte Street, Sterling, Colorado, filed the instant joint application (No. 22914-Transfer), seeking authority from the Commission to transfer Certificates of Public Convenience and Necessity No. 992 and No. 992-I from Leora Lucille Blankenbeckler, Executrix of the Estate of William Blankenbeckler, Deceased, to Leora Lucille Blankenbeckler.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 15, 1967. On December 18, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner

establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. William Blankenbeckler, former holder of this authority, is now deceased, and his widow, Leora Lucille Blankenbeckler, was appointed Executrix of the Estate pursuant to Letters dated March 15, 1967.
2. By Order of the District Court for the County of Logan, State of Colorado, this authority is authorized to be transferred from the Estate to Leora Lucille Blankenbeckler.
3. Transferor herein is the present owner and operator of PUC No. 992 and PUC No. 992-I, which have been operated continually in the past and which presently are in good standing before the Commission. Said authority is described as follows:

"Dec. #8207: Transportation, not on schedule, of farm products, including livestock, building materials, used farm machinery and equipment, household goods and equipment, and commercial feeds from point to point within a radius of 15 miles of Sterling, Colorado,

and the transportation of farm products, including livestock, building materials, used farm machinery and equipment, and commercial feeds between points in the above described area and points outside;

the transportation of used household goods and equipment between points located in the above described 15-mile radius and points outside,

PROVIDED, HOWEVER, that no service of a competitive character shall be rendered to points served by the North Eastern Motor Freight, Inc., and the North Eastern Freight Company, and no service except movement of livestock, bulk farm produce and commercial feeds to points in said 15-mile radius shall be rendered from points on U.S. 85 and 50 to points in said 15-mile radius, and the movement of commercial feeds shall be destined only to farms within said 15-mile radius.

INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935 as amended."

4. Transferee herein holds no previously granted authority from this Commission.



5. There is no consideration involved in this transfer and the Certificate is free and clear of any debts, encumbrances or obligations.
6. Applicant has five power units and five trailers, 20 years of experience in related fields, and a net worth of \$83,630.60, all of which are ample and suitable for operation of the authority applied for herein.
7. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. If this transfer is approved, the Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is by way of Testamentary Distribution to the widow of the deceased, pursuant to Order of the Probate Court.
10. The transfer is compatible with the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing Leora Lucille Blankenbeckler, Executrix of the Estate of William Blankenbeckler, deceased, to transfer all of her rights, title and interest in and to Certificate PUC No. 992 and PUC No. 992-I to Leora Lucille Blankenbeckler, and that henceforth the authority shall be described as follows:

- "1. Transportation, on call and demand, of farm products (including livestock) building materials, used farm machinery and equipment, household goods and equipment from point to point within a fifteen (15) mile radius of Sterling, Colorado, and to and from said points, from and to points in the State of Colorado.

RESTRICTION: No service of a competitive character shall be rendered to points served by North Eastern Motor Freight, Inc., and no service, except the movement of livestock, bulk farm products and commercial feeds, shall be rendered from points on U.S. 85 and 50, to points in said fifteen (15) mile radius. The movement of commercial feeds shall be destined only to farms within said fifteen (15) mile radius.

2. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Leora Lucille Blankenbeckler, Executrix of the Estate of William Blankenbeckler, Deceased, 211 Platte Street, Sterling, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 992 and PUC No. 992-I to Leora Lucille Blankenbeckler, 211 Platte Street, Sterling, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 992 and PUC No. 992-I shall be as follows, to-wit:

- "1. Transportation, on call and demand, of farm products (including livestock) building materials, used farm machinery and equipment, household goods and equipment from point to point within a fifteen (15) mile radius of Sterling, Colorado, and to and from said points, from and to points in the State of Colorado.

RESTRICTION: No service of a competitive character shall be rendered to points served by North Eastern Motor Freight, Inc., and no service, except the movement of livestock, bulk farm products and commercial feeds, shall be rendered from points on U.S. 85 and 50, to points in said fifteen (15) mile radius. The movement of commercial feeds shall be destined only to farms within said fifteen (15) mile radius.

2. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."


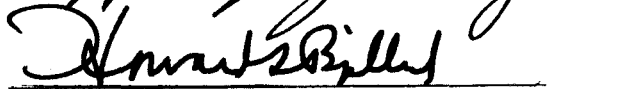
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1968.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MAX MARTINEZ, 409 SUTLEY STREET, )  
CENTER, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 22900-PP

-----  
December 28, 1967  
-----

Appearances: Max Martinez, Center,  
Colorado, pro se.

PROCEDURE AND RECORD

On November 6, 1967, Max Martinez, 409 Sutley Street, Center, Colorado, filed the instant application (No. 22900-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point within a radius of 25 miles of Center, Colorado.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point within a radius of 25 miles of Center, Colorado.
3. Applicant has a 1957 Chevrolet 2-ton Truck and a 1959 International 2-ton Truck, 10 years of experience in related fields, and a net worth of \$1,900, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provisions for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Max Martinez, to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described:

"Transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point within a radius of 25 miles of Center, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

### O R D E R

#### THE COMMISSION ORDERS:

That Max Martinez, 409 Sutley Street, Center, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor

vehicle for hire for

"Transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point within a radius of 25 miles of Center, Colorado;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

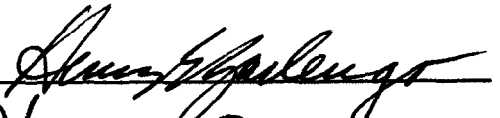
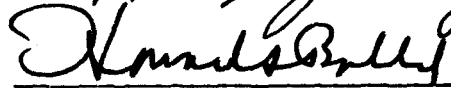
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HENRY OZAWA, 405 11TH STREET, )  
ALAMOSA, COLORADO, FOR A CLASS ) APPLICATION NO. 22752-PP  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

-----  
December 28, 1967  
-----

Appearances: Leonard M. Haynie, Esq., Alamosa,  
Colorado, for Applicant;  
Elizabeth A. Conour, Esq., Del Norte,  
Colorado, for Fred T. Gibson, dba  
Gibson Truck Line, Protestant;  
William O. DeSouchet, Jr., Esq.,  
Alamosa, Colorado, for G & G Trucking  
Company, Protestant.

PROCEDURE AND RECORD

On August 14, 1967, Henry Ozawa, 405 11th Street, Alamosa, Colorado, filed the instant application (No. 22752-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application.

This application was heard on September 14, 1967 and at said time and place Motion for Continuance was granted and on December 12, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 20, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.



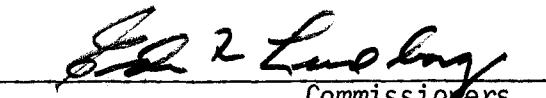
The record transmitted by the Hearing Examiner establishes that Motion for Continuance in the matter was again made and joined in by all parties concerned. The Motion for Continuance was granted and approved by the Hearing Examiner. The ruling of the Hearing Examiner granting said Motion is hereby specifically approved and confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22752-PP be, and hereby is, re-set for hearing in the District Court, Court House, Alamosa, Colorado, at 9:00 o'clock A.M. on February 6, 1968.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
ls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
550 15TH STREET, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY FOR THE CONSTRUCTION, )  
OPERATION AND MAINTENANCE OF A 330 MW )  
ELECTRIC GENERATING PLANT TO BE KNOWN )  
AS THE FORT ST. VRAIN NUCLEAR GENERATING )  
STATION, NEAR PLATTEVILLE, COLORADO, )  
TOGETHER WITH A 230 KV TRANSMISSION )  
LINE FROM SAID PLANT SITE TO A POINT )  
NEAR BOULDER, COLORADO, AND A 230 )  
KV TRANSMISSION LINE FROM SAID PLANT )  
SITE TO A POINT NEAR FORT LUPTON, )  
COLORADO. )

APPLICATION NO. 22803

-----  
December 28, 1967  
-----

S T A T E M E N T

BY THE COMMISSION:

The Commission on November 22, 1967 by Decision Number 70460 ordered that the protest of the International Union, United Mine Workers of America be stricken and the motion to intervene by Tri-State Generation and Transmission Association, Inc. be denied, and, further, denied the right to intervene on the part of Colorado Electric Consumers Association, Inc.

These three parties have taken this matter to the District Court in and for the City and County of Denver, State of Colorado, which Court in Civil Action No. C-03351 by judgment dated December 21, 1967, ordered the Commission to grant these three parties the right to appear as parties in interest with all rights pertaining to such parties. The International Union, United Mine Workers of America and Tri-State Generation and Transmission Association, Inc. have filed their motion for continuance and have stated reason therefor.

O R D E R




THE COMMISSION ORDERS:

That the International Union, United Mine Workers of America,

Tri-State Generation and Transmission Association, Inc. and Colorado Electric Consumers Association, Inc. are hereby permitted to appear as parties in interest in all proceedings pertaining to the above entitled matter, to cross examine witnesses and introduce evidence in support of their respective positions.

That the Motion for Continuance filed by the International Union, United Mine Workers of America and Tri-State Generation and Transmission Association, Inc. is hereby granted and the above entitled matter now set for December 28, 1967, is continued for the purpose of cross examination, presentation of the direct case of any and all other parties including the Staff, rebuttal by the applicant and any other proceedings that are proper, to February 7, 12, 13 and 14, 1968 at 10:00 o'clock A. M. in the Hearing Room of the Commission at Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1967.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
VERNON J. SCHRYVER, DOING BUSINESS  
AS "MOUNT RHYOLITE RANCH, BOX 431,  
CRIPPLE CREEK, COLORADO 80813

PERMIT NO. M-5801

December 28, 1967

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 16, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
*[Handwritten Signature]*  
*[Handwritten Signature]*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
PHIL MUTO, DOING BUSINESS AS  
"SAM MUTO & SONS," 348 WEST 1ST,  
SALIDA, COLORADO 81201

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-9295

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

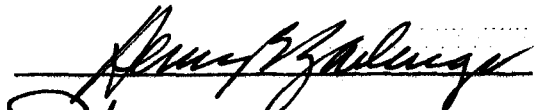
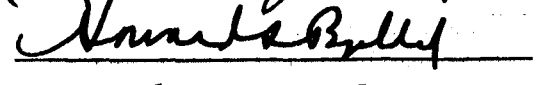

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 18, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
A. MARIE RENZ, DOING BUSINESS AS  
"MANHATTAN HATCHERY", ROUTE 5,  
MANHATTAN, KANSAS 66502

\* \* \*  
)  
)  
)  
)  
)

PERMIT NO. M-6885

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

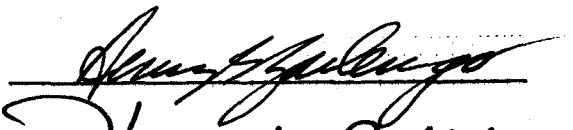
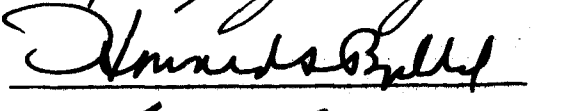

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 15, 1967

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
GEORGE STEVENS, P. O. BOX 852,  
CLIMAX, COLORADO 80429

\* \* \*  
}  
}  
}  
}

PERMIT NO. M-9386

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


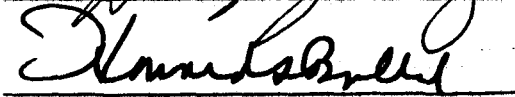
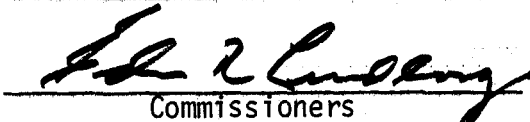
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
DWIGHT & DONALD JOHNSON, DOING BUSINESS	)	
AS "JOHNSON ENCO BULK SERVICE,"	)	<u>PERMIT NO. M-19</u>
BURLINGTON, COLORADO 80807	)	

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 28, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
EDMOND ALLEN MARSHALL AND ELDON R.	)	
MARSHALL, DOING BUSINESS AS "ED'S	)	
TRUCKING," JAMESTOWN STAR ROUTE,	)	<u>PERMIT NO. B-6665</u>
BOULDER, COLORADO 80301	)	

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 14, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Gault*  
\_\_\_\_\_  
*Donald R. Bell*  
\_\_\_\_\_  
*Ed. R. Lindsey*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
EDMOND ALLEN MARSHALL AND ELDON R.  
MARSHALL, DOING BUSINESS AS "ED'S  
TRUCKING," JAMESTOWN STAR ROUTE,  
BOULDER, COLORADO 80301

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-7208

-----  
December 28, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 14, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James B. Gallegos*  
*James R. Bell*  
*Ed R. Lindsey*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December 1967  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
NEWMAN, DUKES AND CLINE, INC. )  
6406 Long Drive )  
Houston, Texas 77017 )

AUTHORITY NO. PUC 6791-I  
CASE NO. 784-H-Ins.

-----  
January 2, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

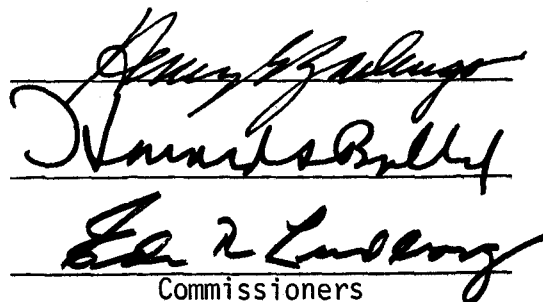
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
2nd day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
NEWMAN DUKES AND CLINE, INC. )  
6406 Long Drive )  
Houston, Texas 77017 )

AUTHORITY NO. M 1778  
CASE NO. 2418-M-Ins.

-----  
January 2, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

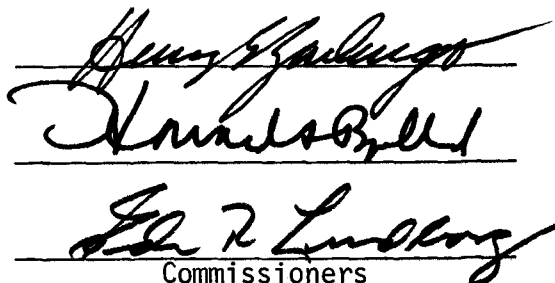
O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
2nd day of January, 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE MOTOR VEHICLE )  
OPERATIONS OF DENVER-LIMON-BURLINGTON )  
TRANSFER COMPANY (A CORPORATION), )  
3650 CHESTNUT PLACE, DENVER, COLORADO, )  
UNDER PUC CERTIFICATE NO. 699 and 699-I )  
----- )

CASE NO. 5356  
SUPPLEMENTAL ORDER

-----  
January 5, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the respondent herein has complied as required by law and the Rules and Regulations of the Commission and has shown good cause why the above captioned and numbered operating rights should not be revoked, the Commission states and finds that the herein entitled case should be dismissed as set forth in the Order following.


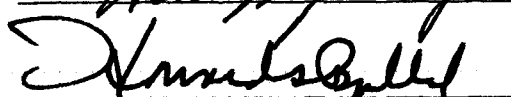

ORDER

THE COMMISSION ORDERS:

That the above entitled case be, and the same hereby is, dismissed forthwith.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioner

Dated at Denver, Colorado, this  
5th day of January, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE DENVER TRAMWAY CORPORATION, 350 )  
SOUTH SANTA FE DRIVE, DENVER, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER TO )  
DENVER TRAMWAY CHARTER CO., 350 )  
SOUTH SANTA FE DRIVE, DENVER, COLO- )  
RADO, A PORTION OF PUC NO. 210. )  
-----

APPLICATION NO. 22908-Transfer (Portion)

IN THE MATTER OF THE APPLICATION OF )  
DENVER TRAMWAY CHARTER CO., 350 )  
SOUTH SANTA FE DRIVE, DENVER, COLO- )  
RADO, (IN THE EVENT AUTHORITY SOUGHT )  
IN APPLICATION NO. 22908-Transfer )  
(Portion) IS GRANTED) TO BE RELIEVED )  
FROM COMPLIANCE WITH RULE NO. 14 )  
OF THE COMMISSION'S RULES AND )  
REGULATIONS GOVERNING COMMON CARRIERS )  
BY MOTOR VEHICLE GOVERNING LEASING )  
OF EQUIPMENT IN CONNECTION WITH )  
EQUIPMENT OWNED BY THE DENVER TRAM- )  
WAY CORPORATION AND LEASED TO DENVER )  
TRAMWAY CHARTER CO. )  
-----

APPLICATION NO. 22909-Waiver

-----  
January 3, 1968  
-----

Appearances: R. B. Danks, Esq., of Hughes &  
Dorsey, Denver, Colorado, for Applicants;  
William H. Van Duzer, Esq., Denver,  
Colorado, for the City and County of Denver;  
John R. Barry, Esq., Denver, Colorado, for  
Denver-Colorado Springs-Pueblo Motorway,  
Continental Bus System, Inc. (Rocky Mountain  
Lines Div.), American Bus Lines, Inc., Denver-  
Salt Lake-Pacific Stages, Inc., Continental  
Central Bus Lines, and Transcontinental Bus  
System, Inc.;  
David Butler, Esq., Denver, Colorado, for  
Colorado Motorway, Inc., Colorado Trans-  
portation Company, and Denver-Boulder Bus  
Company;  
Walter M. Simon, Esq., Denver, Colorado,  
for Airport Limousine Service, Inc.; and  
Lloyd C. Espinosa, Denver, Colorado,  
of the staff of the Commission.

## STATEMENT AND FINDINGS OF FACT

### BY THE COMMISSION:

By application filed on November 9, 1967, the Applicants, namely, The Denver Tramway Corporation, hereinafter referred to as "Tramway Co.," and Denver Tramway Charter Co., hereinafter referred to as "Charter Co.," sought authority to transfer the charter and special bus authority held by Tramway Co. to Charter Co. In the same application, the Applicants also sought relief from the Commission's rules relating to the leasing of motor vehicle equipment should the transfer of operating authority be allowed.

A public hearing on the above two matters was held before the Commission in the State Services Building, Denver, Colorado, on December 4, 1967. At the conclusion of the hearing the matter was taken under advisement.

Tramway Co., a Delaware corporation, has for many years been furnishing mass transportation bus service in the Denver, Colorado, metropolitan area. This is a scheduled service and has been conducted under authorities granted from time to time by this Commission. In addition, Tramway Co. holds charter and special bus authority granted by this Commission on May 20, 1932, Decision No. 4320. This latter authority authorizes a call-and-demand service as distinguished from a scheduled service and was granted at the same time as certain other charter authorities were granted to other companies. When this Commission acquired jurisdiction over public utilities, including carriers operating within the City and County of Denver, a home rule city, Tramway Co. applied for and was granted "grandfather rights" for its operations within the City and County of Denver (Decision No. 40823, 6/30/53, as amended by Decision No. 41419, 10/21/53). The Commission took official notice of the above three decisions and in the event of judicial review of this decision copies shall be included with the record.

Mr. W. A. Baker, president of Tramway Co., testified that he is also president of Charter Co., a recently organized Colorado corporation. All of the issued and outstanding stock of Charter Co. is to be held by Tramway Co. If this application is granted, Tramway Co. will purchase 1,000 shares of the stock of Charter Co. for \$1,000, and the two companies will execute a management contract, a copy of which was introduced as Exhibit No. 2. Under the terms of this contract Tramway Co. personnel will manage and conduct the charter and special bus operations for Charter Co., will furnish all necessary equipment and facilities for the operations, and will pay all expenses in connection therewith. From the charter and special bus revenues, Charter Co. will reimburse Tramway Co. for the total operating expenses. Any profit derived from the operations will go to Tramway Co. as the sole stockholder.

Mr. Baker testified that Tramway Co. negotiations with the City and County of Denver were to continue with the objective in mind that the City would lease the mass transportation operations, resulting in tax savings. Throughout these negotiations it has been the position of the City that the Tramway Co. charter and special bus operations should be completely separated from the mass transportation operations so that in the event an agreement is consummated no tax savings would inure to the benefit of the charter and special bus operations. Aside from a possible lease agreement with the City and County of Denver, Mr. Baker testified that the two operations should be separated for bookkeeping and accounting purposes; that separate records and accounts should be maintained for rate-making and other purposes.

The Commission is of the opinion, and so finds, that separate records and accounts for the two operations described above should be kept and that it is in the public interest that such be done. As a management prerogative, it was decided that the means to accomplish this purpose was through a wholly-owned corporate subsidiary. The Commission is not inclined to overrule that company decision. This Commission will

exercise continuing jurisdiction, and in particular, will allow no change in ownership of Charter Co. without further hearing.

Since Tramway Co.'s motor vehicle equipment and drivers will be used to conduct the Charter Co. operations, Applicants requested the Commission to suspend its formal leasing requirements.

No enforcement problem is presented by suspending the leasing requirements, since the Tramway Co. motor vehicle equipment is readily identifiable. Insurance will adequately protect the public. It would serve no useful purpose for Tramway Co. and Charter Co. to execute formal lease documents for each charter.

According to Exhibit 3 which was received in evidence, Tramway Co. has some 215 buses available for charter and special bus service. It is in the public interest that these buses be available for such service without burdensome requirements accomplishing no useful purpose. The Commission therefore finds that it is consistent with and in furtherance of the public interest for Tramway Co. to use its equipment and personnel to conduct the charter and special bus operations of Charter Co. without compliance with Commission Rules and Regulations governing leasing, and in particular, Rules 14 and 15 Governing Common Carriers. This suspension of the above rules and regulations shall apply only to plainly identified Tramway Co. equipment used in the charter and special bus operation. If equipment is obtained elsewhere by Charter Co., there shall be full compliance with the leasing rules and regulations promulgated by the Commission.

With reference to the suspension of the above rules and regulations, the Commission shall exercise continuing jurisdiction. The Commission on its own motion or on motion of any interested person or party may conduct further hearing. In the event an agreement is reached between Tramway Co. and the City and County of Denver, this Commission will further examine the relationship of Tramway Co. and Charter Co. in the light of such agreement.



William H. Van Duzer, Esq., appearing for the City and County of Denver, made a statement for the record. In general he outlined the status of negotiations between the City and Tramway Co. and confirmed that the negotiating committee for the City insisted that charter and mass transportation operations be separated if an agreement is to be reached.

Protestants presented no evidence. Through their counsel, they expressed fear that some unfair advantage might be conferred upon Applicants if this application be granted. Especially were they fearful that some tax advantage might accrue to Charter Co. should the City and County of Denver and Tramway Co. reach the agreement previously mentioned. In view of the continuing jurisdiction to be exercised by this Commission, the fears of Protestants should be dispelled, and if those fears are well founded a remedy is available.

The Commission, having considered the evidence, states and finds that the proposed transfer and suspension of rules and regulations governing leasing are in the public interest and should be authorized as set forth in the following order.

#### O R D E R

##### THE COMMISSION ORDERS:

The Denver Tramway Corporation be, and hereby is, authorized to transfer all right, title and interest in and to its charter and special bus authority as set forth in Decision No. 4320, dated May 20, 1932, and as extended by Decision No. 40823, dated June 30, 1953, as amended by Decision No. 41419, dated October 21, 1953, to Denver Tramway Charter Co.

Said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order to be by them, or either of them, kept and

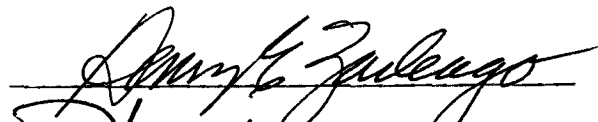
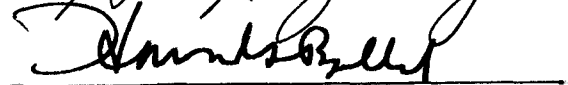
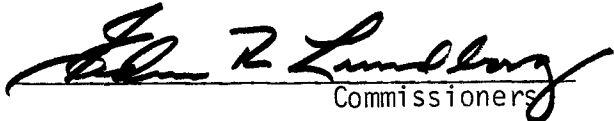
performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended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

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

If said transfer becomes effective and until further order of the Commission, transferor and transferee need not comply with the Commission Rules and Regulations governing leasing of readily identifiable motor vehicle equipment owned by transferor and used in the charter and special bus operations of transferee, however, an office record available for inspection by the staff of the Commission shall be kept showing the buses used on each charter or special bus trip.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of January, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
W. S. BRISTOW )  
P.O. Box 264 )  
Wichita Falls, Texas 76307 )  
----- )

AUTHORITY NO. PUC 6804-I  
CASE NO. 803-H-Ins.

-----  
January 3, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Zuleygo*  
*Donald Byler*  
*Ed R. Lindsay*  
Commissioners

Dated at Denver, Colorado, this  
3rd day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

DENVER-LARAMIE-WALDEN TRUCK LINE, INC.; )  
DENVER-LOVELAND TRANSPORTATION, INC.; )  
EDSON EXPRESS, INC.; AND OVERLAND MOTOR )  
EXPRESS, INC., doing business as )  
BOULDER-DENVER TRUCK LINE, )

Complainants, )

CASE NO. 5314

vs. )

MILLER BROTHERS, INC., )

Respondent. )

-----  
January 3, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association, by its Attorney, Alvin J. Meiklejohn, Jr., filed a Petition for Leave to Intervene as its interest may appear in the above-captioned proceeding and caused copies of said Petition to be served by mail upon parties of record in this proceeding.

The Commission states and finds that applicant for intervention, the Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.


O R D E R

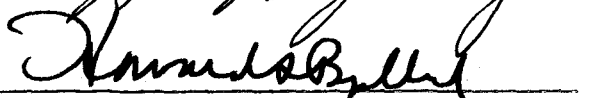
THE COMMISSION ORDERS


That the Petition for Leave to Intervene of the Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association, as its interest may appear, be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,  
this 3rd day of January, 1968.

s1

(Decision No. 70637)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BERNARD E. GOEHRING, DOING BUSINESS )  
AS "GOEHRING WATER SYSTEM," ROUTE 1, )  
BOX 266, FORT COLLINS, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AUTHORIZING THE )  
FURNISHING AND DISTRIBUTION OF A )  
DOMESTIC WATER SUPPLY IN THE AREA )  
LYING WEST AND SOUTH OF HORSETOOTH )  
RESERVOIR NEAR FORT COLLINS, COLORADO, )  
AND APPROVING THE RATES PROPOSED BY )  
THE APPLICANT. )

APPLICATION NO. 22673

-----  
January 4, 1968  
-----

S T A T E M E N T

BY THE COMMISSION:

On June 29, 1967 the above entitled application was filed with this Commission. The Application was set for hearing for Tuesday, October 3, 1967, and by subsequent Order of the Commission, the hearing was vacated to be reset at a later date.

The Commission has now been advised by the attorney for Applicant that the water system formerly owned by Mr. B. E. Goehring has been sold to the Spring Canyon Water Association, a non-profit corporation composed of members under said system. Request has been made that the Application be dismissed.

F I N D I N G S

THE COMMISSION FINDS:

That the request of Applicant to dismiss Application No. 22673 should be granted.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22673 be, and hereby is, dismissed.

That this Order become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Alvin E. Zedeno  
Harold B. Bell  
Ed. R. Lullong  
Commissioners

Dated at Denver, Colorado,  
this 4th day of January, 1968.  
bk

(Decision No. 70638)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FIDEL MARTINEZ, BOX 777, MONTE )  
VISTA, COLORADO, FOR A CLASS "B" ) APPLICATION NO. 22925-PP-Amended  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

-----  
January 4, 1968  
-----

Appearances: Elizabeth Conour, Esq., Del Norte,  
Colorado, for Applicant.

PROCEDURE AND RECORD

On December 4, 1967, Fidel Martinez, Box 777, Monte Vista, Colorado, filed the instant application (No. 22925-PP-Amended) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of potatoes and hay as set forth in the application.

On December 12, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court, Court House, Alamosa, Colorado, at 9 a.m. on December 18, 1967. On December 19, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:



### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not hold previously granted authority from this Commission.
2. Applicant has duly and properly applied for a Class "B" Permit for transportation of potatoes and hay, as listed in this application.
3. Applicant has five trucks (see Exhibit No. 1), ten years of experience in related fields, and a net worth of \$9,900, all of which are ample and suitable for operation of the authority sought herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority as applied for will be in the public interest and should be granted.

### CONCLUSIONS

That the Commission make and enter its Order, authorizing the Applicant, Fidel Martinez, to operate as a Class "B" private carrier by motor vehicle for hire with the authority to transport the following designated commodities within the territory or area described:

"Transportation of potatoes and hay from point to point within a fifty (50) mile radius of Monte Vista, Colorado; restricted against town-to-town service."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

### O R D E R

#### THE COMMISSION ORDERS:

That Fidel Martinez, Box 777, Monte Vista, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of potatoes and hay from point to point within a fifty (50) mile radius of Monte Vista, Colorado; restricted against town-to-town service;"

and this ORDER shall be deemed to be, and be a PERMIT therefor.

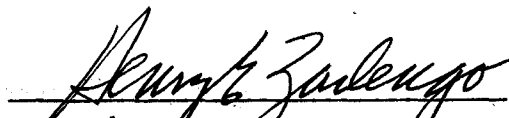

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 4th day of January, 1968.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF THE LEADVILLE TRANSIT COMPANY, )  
INC., A COLORADO CORPORATION, DOING )  
BUSINESS AS "GLOVER CHARTER SERVICE, )  
INC.," 1448 F STREET, SALIDA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 22724-PP

-----  
January 4, 1968  
-----

Appearances: J. Albert Sebald, Esq., Denver, Colorado,  
and  
Peter J. Crouse, Esq., Denver, Colorado,  
for Applicant;  
David Butler, Esq., Denver, Colorado,  
for Colorado Transportation Company,  
Colorado Motorway, Inc., and Denver-  
Boulder Bus Company, Protestants;  
Walter Simon, Esq., Denver, Colorado,  
and  
Harlan Balaban, Esq., Denver, Colorado,  
for Airport Limousine Service, Inc.,  
Protestant;  
John R. Barry, Esq., Denver, Colorado,  
for Denver-Colorado Springs-Pueblo  
Motor Way, Inc. and Continental  
Bus Systems, Inc. (Rocky Mountain  
Lines Division), Protestants;  
Louis Johnson, Esq., Colorado Springs,  
Colorado, for Colorado Springs Coach  
Co., Protestant.

PROCEDURE AND RECORD

On July 26, 1967, The Leadville Transit Company, Inc., a Colorado corporation, doing business as "Glover Charter Service, Inc.," 1448 F Street, Salida, Colorado, filed the instant application (No. 22724-PP) for a Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of passengers, their baggage and equipment as more fully set forth in the application. On August 4, 1967, Denver-Colorado Springs-Pueblo Motorway, Inc. and Continental Bus Lines, Inc. (Rocky Mountain Lines Division) filed a protest to the instant application.

On August 8, 1967, a protest was filed by Airport Limousine Service, Inc. to the instant application. On August 11, 1967, a Petition to Intervene was filed by Colorado Transportation Company, Colorado Motorway, Inc. and Denver-Boulder Bus Company. On August 18, 1967, the Commission granted the Petition to Intervene.

This Application was originally heard on August 29, 1967 and on November 3, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the continued hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 18, 1967. On December 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that at the hearing it was stipulated and agreed that Application No. 22723-PP-Extension and the instant application be heard on a joint record and that all evidence, exhibits and other matters wherever relevant and material shall be and become a part of the record in both applications. The stipulation was granted and approved by the Hearing Examiner. The ruling of the Hearing Examiner granting and approving the said stipulation is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds Permit No. B-5464, which is described as follows:

"Dec. #65312: Transportation of passengers and their baggage, in motor buses only, not on schedule, as follows:

- (a) Between points in Teller County, Colorado;
- (b) Upon round-trips only, from points in Teller County to points in the State of Colorado, and return; and
- (c) From transportation termini in El Paso County, Colorado, to Teller County; and from points in Teller County to transportation termini in El Paso County.

EXTENDED TO INCLUDE: 1. Transportation of passengers and their baggage, between points in Park and Chaffee Counties;

2. Upon round-trips only, from points in Park and Chaffee Counties, to points in the State of Colorado, and return;

3. From transportation termini in El Paso County, Colorado, to Park and Chaffee Counties, Colorado, and from points in Park and Chaffee Counties to transportation termini in El Paso County, Colorado,

all such service under this extension to be at going rate charged by common carriers performing the same service.

The authority under Permit No. B-5464 is limited to use of not more than six (6) motor buses."

Application was also made at this time, under Application No. 22723-PP-Extension, to extend operations under said Permit, essentially to remove the limitation on the number of motor buses.

2. Applicant has duly and properly applied for a Class "B" Permit for transportation of passengers, their baggage and equipment (a) in charter service between transportation termini in the City and County of Denver and points in Teller, Park and Chaffee Counties, Colorado and Camp Long-Scraggy near Buffalo Creek, Colorado, limited to the transportation of persons attending summer camps or ski camps and their supervisors; (b) in charter service between the City and County of Denver and points within five miles thereof to Geneva Basin, Arapahoe Basin, Loveland Basin, Loveland Valley and Breckenridge Ski areas, limited to the transportation of skiers, their instructors, and supervisors.
3. Applicant has ample equipment (see Exhibit No. 2), considerable experience, and net worth of \$17,210.53 (see Exhibit No. 3), all of which are ample and suitable for operation of the authority sought herein.
4. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.

5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. If the State of Colorado is to retain and maintain its status as a vacation spot and attract tourists to its outdoor recreational facilities, it is imperative that adequate transportation facilities are available.
7. Certain aspects of the evidence were conflicting and contradictory.
8. The authority herein sought does not duplicate or otherwise transgress any authority presently held by Applicant.
9. The operation of the authority as proposed by the Applicant would serve the need, and be of particular benefit to, the skiing industry and is therefore most certainly in the public interest.
10. The skiing industry in the State of Colorado has grown by such leaps and bounds in the past few years that transportation facilities have not kept up with demands and a service such as this would greatly alleviate some of the lack of facilities that presently exist.
11. Protestants are not adequately serving the needs that this applicant would meet and, in most circumstances, Protestants do not have sufficient equipment available to meet the needs of the public.
12. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, and in fact said proposed operation would most likely aid and assist the efficient public service of said common carriers.
13. The present operation of this Applicant under his Permit No. B-5464 is seasonal and, in fact, serves mainly campers in the summer season and it would, therefore, be most feasible and in the interest of all concerned if he were allowed to use his equipment in the winter season to furnish much needed transportation for the skiing industry.
14. Because of the special needs of the skiing industry, especially for transportation services on weekends, it is imperative that all available equipment and service be utilized as much as possible.
15. Notwithstanding the above and foregoing findings of fact, the application is for a Class "B" permit to operate as a private carrier by motor vehicle for hire as differentiated from an application for a certificate of public convenience and necessity; Applicant will purportedly engage in contract carriage but in fact would be serving the public; the operation of the authority as applied for would not fit into the purview of private or contract carriage; to grant the application would allow Applicant to render service outside the scope of private authority and, for these reasons, a special restriction should be placed upon the authority as hereinafter set forth.

16. The granting of the authority, as described below, will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Leadville Transit Company, Inc., a Colorado corporation, doing business as "Glover Charter Service, Inc.," to operate as a Class "B" private carrier by motor vehicle for hire with authority to transport the following designated commodities within the territory or area described, for the period of time designated:

"Transportation of passengers, their baggage and equipment

- (a) in charter service between points in the City and County of Denver and points in Teller, Park and Chaffee Counties, Colorado and Camp Long-Scraggy near Buffalo Creek, Colorado, limited to the transportation of persons attending summer camps or ski camps and their supervisors;
- (b) in charter service between the City and County of Denver and points within five miles thereof to Geneva Basin, Arapahoe Basin, Loveland Basin, Loveland Valley and Breckenridge ski areas, limited to the transportation of skiers, their instructors, and supervisors.

In view of the type of service to be rendered here, this authority is being granted for a period of time only because of the special need for the service and this authority in its entirety shall by these presents be automatically cancelled and otherwise revoked as of May 1, 1968."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

##### THE COMMISSION ORDERS:

That The Leadville Transit Company, Inc., a Colorado corporation, doing business as "Glover Charter Service, Inc.," 1448 F Street, Salida, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for

"Transportation of passengers, their baggage and equipment

- (a) in charter service between points in the City and County of Denver and points in Teller, Park and Chaffee Counties, Colorado and Camp Long-Scraggy near Buffalo Creek, Colorado, limited to the transportation of persons attending summer camps or ski camps and their supervisors;

(b) in charter service between the City and County of Denver and points within five miles thereof to Geneva Basin, Arapahoe Basin, Loveland Basin, Loveland Valley and Breckenridge ski areas, limited to the transportation of skiers, their instructors, and supervisors.

This Permit shall automatically terminate as of May 1, 1968, and shall have no force and effect of any kind thereafter;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.

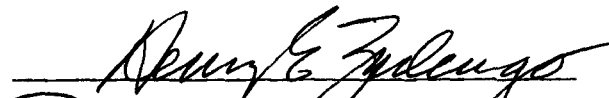
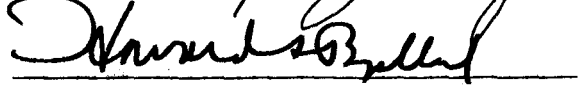
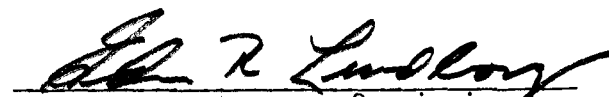
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 4th day of January, 1968.

1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
INSULATION SERVICES, INC. )  
P.O. Box 4695 )  
Tulsa, Oklahoma 74101 )

AUTHORITY NO. M 3945  
CASE NO. 2480-M-Ins.

-----  
January 3, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zulinger  
Donald B. Brubaker  
J. R. Lundberg  
Commissioners

Dated at Denver, Colorado, this  
3rd day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
MONARCH ENGINEERING CO. INC. )  
Route 1, Box 317 )  
Missouri Park )  
Salida, Colo. 81201 )

AUTHORITY NO. M 14014  
CASE NO. 2460-M-Ins.

-----  
January 3, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry Zaidinger  
Harold Bentley  
Ed R. Ludlow  
Commissioners

Dated at Denver, Colorado, this  
3rd day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF THE LEADVILLE TRANSIT COMPANY,	)	
INC., A COLORADO CORPORATION, DOING	)	
BUSINESS AS "GLOVER CHARTER SERVICE,	)	<u>APPLICATION NO. 22723-PP-Extension</u>
INC.," 1448 F STREET, SALIDA, COLORADO,	)	
FOR AUTHORITY TO EXTEND OPERATIONS	)	
UNDER PERMIT NO. B-5464.	)	

-----  
January 5, 1968  
-----

Appearances: J. Albert Sebald, Esq., Denver, Colorado.  
and  
Peter J. Crouse, Esq., Denver, Colorado,  
for Applicant;  
David Butler, Esq., Denver, Colorado, for  
Colorado Transportation Company, Colorado  
Motorway, Inc., and Denver-Boulder Bus  
Company, Protestants;  
Walter Simon, Esq., Denver, Colorado,  
and  
Harlan Balaban, Esq., Denver, Colorado, for  
Airport Limousine Service, Inc., Protestant;  
John R. Barry, Esq., Denver, Colorado, for  
Denver-Colorado Springs-Pueblo Motorway, Inc.,  
and Continental Bus Systems, Inc. (Rocky  
Mountain Lines Division), Protestants;  
Louis Johnson, Esq., Colorado Springs,  
Colorado, for Colorado Springs Coach Company,  
Protestant.

PROCEDURE AND RECORD

On July 26, 1967, The Leadville Transit Company, a Colorado corporation, doing business as "Glover Charter Service, Inc.," 1448 F Street, Salida, Colorado, filed the instant application (No. 22723-PP-Extension) for an extension of his present Class "B" Permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of passengers and their baggage, in motor buses only, not on schedule, as set forth in the instant application. On August 4, 1967, a protest to the instant application was filed by Denver-Colorado Springs-Pueblo Motorway, Inc. and Continental Bus Systems, Inc. (Rocky Mountain Lines Division). On August 8, 1967, Airport Limousine Service,

Inc. filed a protest to the instant application. On August 9, 1967, a protest was filed by Colorado Springs Coach Company, and on August 11, 1967, a Petition to Intervene was filed by Colorado Transportation Company, Colorado Motorway, Inc. and Denver-Boulder Bus Company. On August 18, 1967, the Commission granted the above-mentioned Petition to Intervene.

This application was originally heard on August 29, 1967, and on November 3, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the continued hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 18, 1967. On December 28, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Hearing Examiner establishes that at the hearing it was stipulated and agreed that Application No. 22723-PP-Extension and Application No. 22724-PP be heard on a joint record and that all evidence, exhibits and other matters wherever relevant and material shall be and become a part of the record in both cases. This stipulation was granted and approved by the Hearing Examiner. The ruling of the Hearing Examiner granting and approving the said stipulation is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds authority under Permit No. B-5464, which is described as follows:

"Dec. #65312: Transportation of passengers and their baggage, in motor buses only, not on schedule, as follows:

- (a) Between points in Teller County, Colorado;
- (b) Upon round-trips only, from points in Teller County to points in the State of Colorado, and return; and
- (c) From transportation termini in El Paso County, Colorado, to Teller County; and from points in Teller County to transportation termini in El Paso County.

EXTENDED TO include: 1. Transportation of passengers and their baggage, between points in Park and Chaffee Counties;

2. Upon round-trips only, from points in Park and Chaffee Counties, to points in the State of Colorado, and return;

3. From transportation termini in El Paso County, Colorado, to Park and Chaffee Counties, Colorado, and from points in Park and Chaffee Counties to transportation termini in El Paso County, Colorado,

all such service under this extension to be at going rate charged by common carriers performing the same service.

The authority under Permit No. B-5464 is limited to use of not more than six (6) motor buses."

2. The above authority has been continuously operated by Applicant in the past and is presently in good standing with the Commission.
3. The extension applied for herein would not conflict with the above described authority.
4. Applicant has duly and properly applied for an extension to Class "B" Permit No. B-5464 to remove the limitations that no more than six motor buses can be used in the operations under said Permit.
5. Certain aspects of the evidence and testimony were conflicting and contradictory.
6. The existing common carriers are not adequately serving the transportation needs which this Applicant is attempting to meet.
7. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
8. Applicant corporation has ample equipment (see Exhibit No. 2), considerable experience, and net worth of \$17,210.53 (see Exhibit No. 3), all of which are ample and suitable for operation of the authority sought herein.
9. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

10. The operation of the authority, with the restriction removed, as proposed by the Applicant, would serve the need and be of particular benefit to the camping and skiing industry.
11. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, and in fact said proposed operation would most likely aid and assist the efficient public service of said common carriers.
12. Notwithstanding the above and foregoing findings of fact, the authority, to which extension is applied for, is a permit as differentiated from a certificate; applicant is purportedly engaged in contract carriage but appears to be serving the public; the operation of the authority does not fit into the purview of private or contract carriage; to grant the extension applied for would be to compound the situation and allow applicant to render additional service outside the scope of his private authority; and for these reasons, the application should be denied.

CONCLUSIONS

That the Commission make and enter its Order denying this application.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,


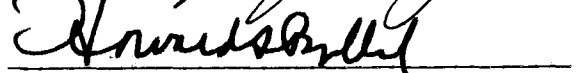

O R D E R

THE COMMISSION ORDERS:

That Application No. 22723-PP-Extension, be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968.

Original

(Decision No. 70643)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INCREASED RATES AND CHARGES )  
ON PETROLEUM AND PETROLEUM )  
PRODUCTS )  
----- )

Investigation and Suspension  
Docket No. 596  
SUPPLEMENTAL ORDER

-----  
January 4 , 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 19, 1967, the Commission entered Decision No. 70114, as amended by Decision No. 70127, dated September 20, 1967, which, among other things, set the above-entitled matter for hearing on December 5, 1967, at 10:00 o'clock a.m., in the Hearing Room of the Commission at Denver, Colorado.

The Commission, on its own motion, in Decision No. 70462, dated November 24, 1967, vacated said hearing.

The Commission states and finds that said matter should now be reset for hearing at 10:00 o'clock a.m., on February 8, 1968, at Denver, Colorado, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Investigation and Suspension Docket No. 596, be, and the same hereby is, reset for hearing before the Commission at 10:00 o'clock a.m., February 8, 1968, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203.

Seven days prior to the hearing date herein, respondents

shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Alvin E. Felling  
Howard B. Bell

Ed R. Lacey  
Commissioners

Dated at Denver, Colorado, this  
4th day of January, 1968. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WARD TRANSPORT, INC., P. O. BOX )  
133, PUEBLO, COLORADO, FOR AUTHORITY )  
TO EXTEND OPERATIONS UNDER PUC NO. )  
1497. )  
-----

APPLICATION NO. 22896-Extension-Amended

-----  
January 5, 1968  
-----

Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicant;  
John P. Thompson, Esq., Denver,  
Colorado, for Ruan Transport  
Corporation, Protestant.

PROCEDURE AND RECORD

On October 31, 1967, Ward Transport, Inc., P. O. Box 133, Pueblo, Colorado, filed the instant application (No. 22896-Extension-Amended) seeking authority to extend operations under PUC No. 1497 to transport coal tar products in bulk from Minnequa, Colorado, to points in the State of Colorado. On December 5, 1967, Protest and/or Petition to Intervene was filed by Ruan Transport Corporation. On December 6, 1967 the Commission granted Ruan Transport Corporation their Petition to Intervene.

On December 6, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 14, 1967. On December 29, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

On November 28, 1967, Groendyke Transport, Inc., Denver, Colorado, filed for an extension to their Certificate of Public Convenience and

Necessity PUC No. 1873 and inasmuch as the same witnesses testifying in support of the instant application would be testifying in support of the application for extension of Groendyke Transport, Inc., Application No. 22941-Extension, the applications were heard on a joint record and separate orders will issue in each application.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Ward Transport, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Applicant corporation holds Certificate of Authority PUC No. 1497 & I, which is described in Applicant's Exhibit No. 1.
3. The application herein seeks an extension to what is generally a petroleum products authority so as to authorize the transportation of coal tar products and inasmuch as, in many instances, the same product may have a petroleum as well as a coal tar base, the authority should not be restricted to petroleum products only.
4. By extending the authority to include transportation of coal tar products as applied for would not only be in the public interest but certainly would be in the best interests of regulation.
5. Existing service is inadequate to meet the particular transportation requirements sought herein.
6. The Colorado Fuel and Iron Company, the customer for whom this authority is sought, has developed its coal tar products immensely over the past few years and additional services are required.
7. Applicant corporation has ample equipment (see Exhibits 3 and 4), considerable experience, and ample net worth (see Exhibit 2), all of which are adequate and suitable for operation of the authority sought herein.
8. Applicant corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has made adequate provision for insurance.

9. There is a present and special need for the service and the present or future public convenience and necessity requires or will require such service.
10. Ruan Transport Corporation, Protestant, holds Certificate of Authority PUC No. 1515 & I, which generally provides for the transportation of petroleum products in bulk, between all points in the State of Colorado.
11. The evidence presented in opposition to this application is too general, indefinite and uncertain, so as to cause a denial of the application on any grounds set forth by Protestant.
12. The granting of the authority as applied for will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order granting the application of Ward Transport, Inc., P. O. Box 133, Pueblo, Colorado, to extend its authority under PUC No. 1497 & I, and that henceforth the entire authority shall be described as follows:

- "1. Transportation of petroleum products in bulk from point to point within the State of Colorado.
2. Transportation of crude oil, in tank truck lots between points within the State of Colorado.
3. Transportation of sulphuric acid in bulk, in tank vehicles, from Denver and Louviers, Colorado to the plant site of Colorado Fuel & Iron Corporation at Minnequa, Colorado.
4. Transportation of ammonia sulphate solutions, in bulk, from Minnequa, Colorado to Denver, Colorado.
5. Transportation of coal tar products, in bulk, from Minnequa, Colorado, to points in the State of Colorado.
6. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

#### THE COMMISSION ORDERS:

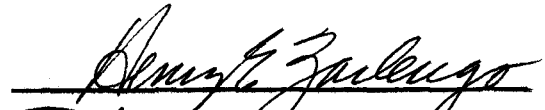
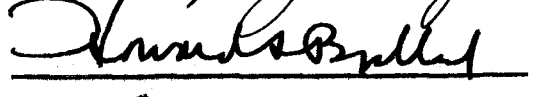
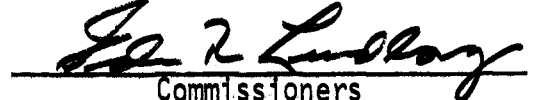
That Ward Transport, Inc., P. O. Box 133, Pueblo, Colorado, be, and hereby is, authorized to extend operations under PUC No. 1497.

That henceforth the full and complete authority under PUC No. 1497 and I shall be as follows, to-wit:

- "1. Transportation of petroleum products in bulk from point to point within the State of Colorado.
2. Transportation of crude oil, in tank truck lots between points within the State of Colorado.
3. Transportation of sulphuric acid in bulk, in tank vehicles, from Denver and Louviers, Colorado to the plant site of Colorado Fuel & Iron Corporation at Minnequa, Colorado.
4. Transportation of ammonia sulphate solutions, in bulk, from Minnequa, Colorado to Denver, Colorado.
5. Transportation of coal tar products, in bulk, from Minnequa, Colorado, to points in the State of Colorado.
6. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at denver, Colorado,  
this 5th day of January, 1968  
et

*Original*

(Decision No. 70645)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE RATES AND CHARGES )  
ON PETROLEUM AND PETROLEUM )  
PRODUCTS )  
----- )

CASE No. 1585  
SUPPLEMENTAL ORDER

-----  
January 4, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 19, 1967, the Commission entered Decision No. 70115, which, among other things, set the above-entitled matter for hearing on December 5, 1967, at 10:00 o'clock a.m. in the Hearing Room of the Commission at Denver, Colorado.

The Commission, on its own motion, in Decision No. 70461, dated November 24, 1967, vacated said hearing.

The Commission states and finds that said matter should now be reset for hearing at 10:00 o'clock a.m., on February 8, 1968, at Denver, Colorado, as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Case No. 1585 be, and the same hereby is, reset for hearing before the Commission at 10:00 o'clock a.m., February 8, 1968, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Zuleygo*  
\_\_\_\_\_  
*Howard B. Bull*  
\_\_\_\_\_  
*Ed R. Ludlow*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
4th day of January, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
EDWIN S. MC CRACKEN DBA )  
Red Hat Produce )  
Austin, Colorado 81410 )  
----- )

AUTHORITY NO. M 1764  
CASE NO. 2417-M-Ins.

-----  
January 5, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado, this  
5th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE REDUCED RATES, BEER IN CONTAINERS, )  
INCLUDING PALLETS, DUNNAGE AND SHIPPER'S )  
ADVERTISING MATERIAL, BETWEEN GOLDEN AND )  
DENVER, COLORADO, AND OTHER NEARBY POINTS )  
-----

Investigation and Suspension  
Docket No. 602  
SUPPLEMENTAL ORDER

-----  
January 4, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 6, 1967, the Commission entered Decision No. 70368 which, among other things, set the above-entitled matter for hearing on December 5, 1967, at 2:00 o'clock p.m., in the Hearing Room of the Commission at Denver, Colorado.

The Commission, on its own motion, in Decision No. 70464, dated November 24, 1967, vacated said hearing.

The Commission states and finds that said matter should now be reset for hearing at 10:00 o'clock a.m. February 2, 1968, at Denver, Colorado, as set forth in the Order following.

O R D E R

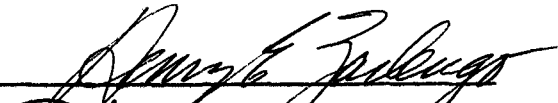
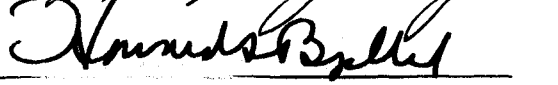
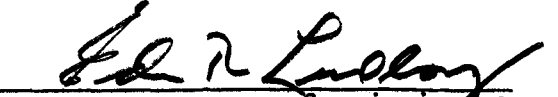
THE COMMISSION ORDERS:

That Investigation and Suspension Docket No. 602, be, and the same hereby is, reset for hearing before the Commission at 10:00 o'clock a.m., February 2, 1968, 532 State Services Building, 1525 Sherman Street, Denver, Colorado 80203.

Seven days prior to the hearing date herein, respondents shall provide the Secretary of the Commission with copies of any and all

exhibits which it intends to introduce in evidence in support of its case.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
4th day of January 1968. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GROENDYKE TRANSPORT, INC., 3575 )  
EAST 52ND AVENUE, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY AUTHORIZING )  
EXTENSION OF OPERATIONS UNDER PUC )  
NO. 1873. )

APPLICATION NO. 22941-Extension

-----  
January 5, 1968  
-----

Appearances: John H. Lewis, Esq., Denver,  
Colorado, for Applicant;  
John P. Thompson, Esq., Denver,  
Colorado, for Ruan Transport  
Corporation, Protestant.

PROCEDURE AND RECORD

On November 28, 1967, Groendyke Transport, Inc., 3575 East 52nd Avenue, Denver, Colorado, filed the instant application (No. 22941-Extension) seeking authority to extend operations under PUC No. 1873 to transport coal tar products in bulk from Minnequa, Colorado, to points in the State of Colorado. On December 5, 1967, a protest to the instant application was filed by Ruan Transport Corporation.

On December 1, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 14, 1967. On January 2, 1968, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

On October 31, 1967, Ward Transport, Inc., Pueblo, Colorado, filed for an extension to their Certificate of Public Convenience and Necessity PUC No. 1497 and inasmuch as the same witnesses testifying in

support of the instant application would be testifying in support of the application for extension of Ward Transport, Inc., Application No. 22896-Extension-Amended, the applications were heard on a joint record and separate orders will issue in each application.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Groendyke Transport, Inc. is an Oklahoma corporation, duly authorized to do business in the State of Colorado.
2. Applicant corporation holds Certificate of Authority PUC No. 1873 & I, which is described in Applicant's Exhibit No. 6.
3. The application herein seeks an extension to what is generally a petroleum products authority so as to authorize the transportation of coal tar products and inasmuch as, in many instances, the same product may have a petroleum as well as a coal tar base, the authority should not be restricted to petroleum products only.
4. By extending the authority to include transportation of coal tar products as applied for would not only be in the public interest but would certainly be in the best interests of regulation.
5. Existing service is inadequate to meet the particular transportation requirements sought herein.
6. The Colorado Fuel and Iron Company, the customer for whom this authority is sought, has developed its coal tar products immensely over the past few years and additional services are required.
7. Applicant corporation has ample equipment (see Exhibit No. 7), considerable experience, and ample net worth (see Exhibits 8 and 9), all of which are adequate and suitable for operation of the authority sought herein.
8. Applicant corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has made adequate provisions for insurance.
9. There is a present and special need for the service and the present or future public convenience and necessity requires or will require such service.

10. Ruan Transport Corporation, Protestant, holds Certificate of Authority PUC No. 1515 & I, which generally provides for the transportation of petroleum products in bulk, between all points in the State of Colorado.
11. The evidence presented in opposition to this application is too general, indefinite and uncertain, so as to cause a denial of the application on any grounds set forth by Protestant.
12. The granting of the authority as applied for will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order granting the application of Groendyke Transport, Inc., an Oklahoma corporation to extend its authority under PUC No. 1873 & I, and that henceforth the entire authority shall be described as follows:

- "1. Transportation of petroleum products in bulk, from point to point in the State of Colorado.
2. Transportation of crude oil, in tank-truck lots, between points within the State of Colorado.
3. Transportation of coal tar products, in bulk, from Minnequa, Colorado, to points in the State of Colorado.
4. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in Interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

##### THE COMMISSION ORDERS:

That Groendyke Transport, Inc., 3575 East 52nd Avenue, Denver, Colorado, be, and hereby is, authorized to extend operations under PUC No. 1873.

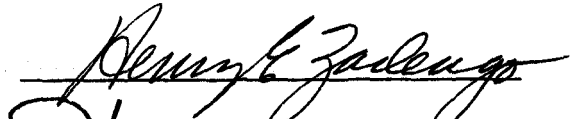

That henceforth the full and complete authority under PUC No. 1873 and I shall be as follows, to-wit:

- "1. Transportation of petroleum products, in bulk, from point to point in the State of Colorado.
2. Transportation of crude oil, in tank-truck lots, between points within the State of Colorado.

3. Transportation of coal tar products, in bulk, from Minnequa, Colorado, to points in the State of Colorado.
4. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Bounday Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. H. STRAHAN, DOING BUSINESS AS )  
"MESA TRANSFER CO.," 740 7TH AVENUE, )  
DURANGO, COLORADO, FOR AUTHORITY )  
TO EXTEND OPERATIONS UNDER PUC NO. )  
1794. )

APPLICATION NO. 22749-Extension

-----  
January 5, 1968  
-----

Appearances: Laverne McKelvey, Esq., Durango,  
Colorado, for Applicant;  
Royce Sickler, Esq., Denver,  
Colorado, for Rio Grande Motor  
Way, Inc., Protestant;  
Edward T. Lyons, Jr., Esq., Denver,  
Colorado, and  
Irvin L. Mason, Esq., Durango,  
Colorado, for Williams Transfer &  
Storage Co., Protestant.

PROCEDURE AND RECORD

On August 4, 1967, J. H. Strahan, doing business as "Mesa Transfer Co.," 740 7th Avenue, Durango, Colorado, filed the instant application (No. 22749-Extension) for an extension of his present Certificate of Public Convenience and Necessity No. 1794 as set forth in the application. On August 25, 1967, Williams Transfer & Storage Co. filed a protest to the instant application. On August 29, 1967, Rio Grande Motor Way, Inc. filed an Appearance and Request for Oral Examination of the instant application.

This matter was originally scheduled to be heard on September 6, 1967 in Pagosa Springs, Colorado but was continued to re-hearing. On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Columbine Room, Court House, Durango, Colorado, at 9 a.m. on November 9, 1967. On December 28, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the

proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant moved to amend his application by changing the latter portion thereof so as to read as follows:

"... including the home rule City of Durango, Colorado, and between points in La Plata County, Colorado, on the one hand, and on the other, points within the State of Colorado."

This amendment being restrictive in nature was granted and approved by the Hearing Examiner and upon such approval, the Rio Grande Motor Way, Inc. withdrew its protest. The ruling of the Hearing Examiner granting and approving the said amendment is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Prior to 1959 this Applicant was the owner of PUC No. 1886 which he sold and which later became the property of Williams Transfer & Storage Company, one of the protestants, and which authority would include that which is applied for in this instance.
2. The application in and of itself is so ambiguous, broad, and subject to misinterpretation that it should not be granted.
3. The evidence presented in support of the application was insufficient to warrant the granting of the application.
4. By the terms of the application, it is in fact an extension but would be of the same effect as a new authority.
5. Applicant presently holds Certificate of Authority PUC No. 1794, described as follows:

"Package delivery service, of packages having a maximum weight of 100 pounds, within the City of Durango, Colorado, and into, out of, and between points within a two-mile radius of the City of Durango, including as a part of Durango the area formerly known as Animas City."

6. Applicant has duly and properly applied for an extension to this Certificate to include the transportation of used, second hand, personal effects and property used or to be used in a dwelling or office when a part of the equipment or supply of such dwelling or office; and mixed shipments of fixtures, uncrated, and unpacked, between points in LaPlata County, Colorado, including the home rule City of Durango, Colorado, and to and from points in LaPlata County, Colorado and points within the State of Colorado.
7. Applicant has 1 small van truck and 1 Bobtail truck with hydraulic tail gate (he could get 3 tractors and 2 trailers which he uses in his interstate business and would obtain more if it became necessary), 3 years of experience in related fields, and a net worth of \$36,800, all of which are ample and suitable for operation of the authority sought herein.
8. Applicant made no showing whatsoever that the present or future public convenience and necessity required or will require the service applied for herein.
9. The area in and about Durango has been decreasing in population during the last two years and the general economy of LaPlata County has been declining to the extent that, to grant the authority applied for, would be detrimental to existing carriers and would not be in the best interests of the transportation industry.
10. The application should be denied.

CONCLUSIONS

That the Commission make and enter its Order denying the application. Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,


ORDER

THE COMMISSION ORDERS:


That Application No. 22749-Extension, be, and the same hereby is, denied.

This Order shall become effective forthwith.


THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO


---


---


---

 Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF HAROLD J. WALLIS AND ARLENE )  
B. WALLIS, DOING BUSINESS AS )  
"WALLIS SCENIC TOURS," 609 NORTH )  
AVENUE, GRAND JUNCTION, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 22852

-----  
January 5, 1968  
-----

Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicant;  
Ivan P. Kladder, Esq., Grand  
Junction, Colorado, for Crystal  
River Tours, Protestant;  
Harvey A. Head, doing business as  
"Delta Taxi Service," Delta, Colorado,  
pro se, for copy of Order only;  
John R. Barry, Esq., Denver, Colorado,  
for Continental Bus Systems, Inc.,  
(Rocky Mountain Lines Division) for  
copy of Order only.

PROCEDURE AND RECORD

On October 9, 1967, Harold J. Wallis and Arlene B. Wallis, doing business as "Wallis Scenic Tours," 609 North Avenue, Grand Junction, Colorado, filed the instant application (No. 22852) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage and equipment as more fully set forth in the application. On October 26, 1967, a Protest and Motion to Intervene was filed by Continental Bus Systems, Inc. (Rocky Mountain Lines Division) to the instant application. On November 3, 1967, a Protest was received from Crystal River Tours.

On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the



Application was heard by said Examiner in the District Court Room, Court House, Grand Junction, Colorado, at 10:30 a.m. on November 13, 1967. On December 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Hearing Examiner establishes that on November 7, 1967, prior to the scheduled hearing, Applicant submitted a restrictive amendment to his application. This amendment being restrictive in nature was granted and approved by the Hearing Examiner and upon such approval, the Protestant Continental Bus Systems, Inc. (Rocky Mountain Lines Division) withdrew its protest. Also prior to the hearing, Counsel for Applicant moved to not allow the appearance of Mr. Harvey A. Head, doing business as "Delta Taxi Service," upon the grounds and by admission of Mr. Head that he gave no notice to anyone whatsoever concerning his protest. Motion was granted by the Hearing Examiner. The ruling of the Hearing Examiner granting and approving the amendment to the application and motion of Counsel for Applicant are hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicants hold no previously granted authority from this Commission.
2. Applicants have duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire for the transportation of passengers and their baggage and equipment traveling with them, in intra-state commerce, as listed in the application.

3. Applicants have a 12-passenger Checker Cab, 37 years of experience in related fields, and a net worth of \$32,530.02, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have or will make adequate provision for insurance.
5. Protestant, Crystal River Tours, furnishes a sightseeing service in and about the Marble area under its Certificate of Authority PUC No. 3790, which service is in the form of jeep tours and the authority herein applied for should not be allowed to compete with Crystal River Tours.
6. There is a real need for the service as applied for in and out of Grand Junction; however, there is no need to allow this Applicant to make changes on his tour routes into, for example - jeeps, and other vehicles that he might station along his route.
7. A restriction should therefore be placed in the authority so as to prohibit the Applicant from transferring his passengers from the vehicle which transports them to a particular area into another (for example - jeep) vehicle in an area already being adequately served. A restrictive amendment of this type is agreeable to the Applicant.
8. There is presently no such service available and the present and future public convenience and necessity requires or will require the proposed authority.
9. The authority, as described below, should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicants, Harold J. Wallis and Arlene B. Wallis, doing business as "Wallis Scenic Tours," to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Transportation of passengers and their baggage and equipment traveling with them:

- (1) Between Grand Junction, Colorado, on the one hand, and on the other hand, ski areas located in Colorado west of the Continental Divide; and
- (2) Between points located in Colorado west of the Continental Divide, in round trip sightseeing tour service, all such tours to originate and terminate at Grand Junction, Colorado,

Restricted, however, to the use of motor vehicle equipment having a passenger capacity of twelve passengers or less, and further restricted against the use of 4-wheel drive vehicles."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Harold J. Wallis and Arlene B. Wallis, doing business as "Wallis Scenic Tours," 609 North Avenue, Grand Junction, Colorado, be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation of passengers and their baggage and equipment traveling with them:

- (1) Between Grand Junction, Colorado, on the one hand, and on the other hand, ski areas located in Colorado west of the Continental Divide; and
- (2) Between points located in Colorado west of the Continental Divide, in round trip sightseeing tour service, all such tours to originate and terminate at Grand Junction, Colorado,

Restricted, however, to the use of motor vehicle equipment having a passenger capacity of twelve passengers or less, and further restricted against the use of 4-wheel drive vehicles;"

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

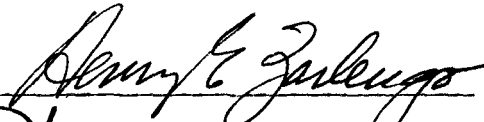
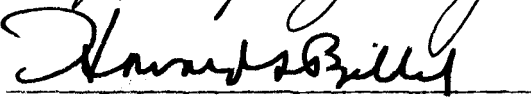
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

This Order shall become effective twenty one days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MOBILE RADIO-TELEPHONE SERVICE, )  
INC., DENVER HILTON OFFICE BUILDING, )  
15TH AND COURT PLACE, DENVER, )  
COLORADO, FOR THE TRANSFER OF THE )  
CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY HERETOFORE ISSUED TO )  
TELEPHONE ANSWERING SERVICE, INC., )  
A COLORADO CORPORATION, (APPLICATION )  
NO. 19001, DECISION NO. 58988, JULY )  
27, 1962), COVERING THE OPERATION )  
OF A PUBLIC SERVICE CORPORATION )  
FURNISHING MOBILE RADIO COMMUNI- )  
CATIONS SERVICE TO THE PUBLIC THROUGH- )  
OUT THE CITY AND COUNTY OF DENVER, THE )  
COUNTIES OF ADAMS, ARAPAHOE, WELD, )  
DOUGLAS, MORGAN, ELBERT AND PARTS OF )  
BOULDER, JEFFERSON AND LARIMER )  
COUNTIES, ALL IN THE STATE OF COLORADO. )

APPLICATION NO. 22954-Transfer

-----  
January 5, 1968  
-----

Appearances: Fuller and Evans, Esqs. by Pierpont  
Fuller and Mackintosh Brown, Denver,  
Colorado, for Applicant;  
J. M. McNulty, Denver, Colorado,  
and  
E. R. Thompson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

On December 6, 1967, Mobile Radio-Telephone filed an appli-  
cation with this Commission requesting the transfer to applicant of  
the Certificate of Public Convenience and Necessity to furnish mobile-  
radio communications service which was granted to Telephone Answering  
Service, Inc. by this Commission by Decision No. 58988 in Application  
No. 19001-Amended, on July 27, 1962.

After due and proper notice to all interested persons, firms or corporations, the Application was heard by Commissioner Edwin R. Lundborg on Tuesday, December 19, 1967 at 9 a.m., in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

No protests of intervention were filed prior to the hearing and no appearances were entered other than those set forth above.

Telephone Answering Service, Inc., a Colorado corporation, (hereinafter referred to as "T.A.S.") is presently operating a mobile radio-telephone service under a Certificate of Public Convenience and Necessity issued by this Commission on July 27, 1962, in Application No. 19001, being Decision No. 58988. Said service is operated by said company in conjunction with a telephone answering service owned and operated by said company which operation and service is not within the jurisdiction of this Commission and not covered by said Certificate.

Applicant, Mobile Radio-Telephone Service, Inc., (hereinafter called "Applicant"), is a Colorado corporation, incorporated November 15, 1967. A copy of the Articles of Incorporation were filed herein as Exhibit A. At the time of the filing of the within application, T.A.S. was carrying on its mobile radio-telephone service pursuant to said Certificate of Public Convenience and Necessity as a separate department of said company under the trade name "Mobile Radio-Telephone Service, Inc."

All of the capital stock of the applicant is owned by its president, William A. Hauser, and T.A.S. is also controlled by said William A. Hauser, its president, who also owns all of the capital stock of that corporation, in his own name and through a family trust. The evidence reflected that the officers of said two companies are of the opinion that it will be more efficient and convenient for T.A.S. to carry on its mobile radio-telephone service activities as a separate

corporation from its telephone answering service, which is the principal business of T.A.S. and some economies could thus be effected. No change in the physical operation of the business is contemplated and the same management and personnel will continue to operate the business through the new corporation.

It appears clear from the record that there will be no curtailment of operations or services; and that the service to the public will continue to be rendered in the same area with the same facilities and in the same manner as heretofore except that the former department of T.A.S., known as Mobile Radio-Telephone Service, Inc., will now be operated as a separate corporation of the same name.

It is proposed that the tariff rules and regulations on file with this Commission by Telephone Answering Service, Inc. will be adopted or refiled by the applicant without change. The evidence of financial ability of the applicant corporation to carry on the service is adequate and William A. Hauser, president of both corporations, testified that he proposed to underwrite the operation of the new corporation. His financial statement, introduced in evidence as Exhibit B-1, reflected that he is in a position to do so. The situation with respect to other public utilities of like character in the area served has not changed since the granting of the Certificate to T.A.S. except that, under date of February 28, 1967, this Commission authorized the transfer of Channel 2½ operated by T.A.S. under the FCC License No. KAA 276 (which was covered by said Certificate which had been issued to T.A.S.) to be assigned to Answerphone, Inc., a Colorado corporation, under a new Certificate issued to the latter corporation. See Application No. 22305 entitled "In the Matter of the Application of Answerphone, Inc."

The situation with respect to the public convenience and necessity for the service has not changed substantially since the granting of the original Certificate to T.A.S. other than to increase to some degree.

## FINDINGS

### THE COMMISSION FINDS:

That the above and foregoing statement be made a part hereof by reference.

That the Commission has jurisdiction of the applicant herein and the subject matter involved in the instant application.

That the Commission is fully advised in the premises.

That the Certificate of Public Convenience and Necessity, heretofore granted to Telephone Answering Service, Inc., in Application No. 19001, amended on July 28, 1962, as modified by the Order of this Commission, dated February 28, 1967, in the application of Answerphone, Inc., (Application No. 22305) should be transferred to the Applicant.

That applicant should adopt the tariffs filed with this Commission by T.A.S. or file with this Commission its tariffs on the forms prescribed by this Commission within twenty days from the effective date of this Order in accordance with the Rules of Practice and Procedure of this Commission.

The applicant should maintain adequate books of account and shall file a copy of its annual report as required by the rules of this Commission.

## O R D E R

### THE COMMISSION ORDERS:

That the Certificate of Public Convenience and Necessity, heretofore granted to Telephone Answering Service, Inc. under date of July 27, 1962, in Application No. 19001 amended, pursuant to Decision No. 58988, authorizing said company to provide a utilities service to the public consisting of domestic public mobile radio-telephone service and one-way paging service in the City and County of Denver and Counties of Adams, Arapahoe, Weld, Morgan, Douglas, Elbert and parts of the counties of Boulder, Jefferson and Larimer, as more particularly set forth in said Certificate as modified, by




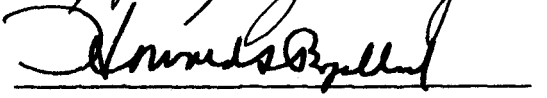
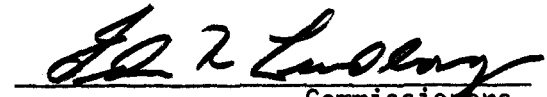
this Commission's order of February 28, 1967, in the Application of Answerphone, Inc., No. 22305, shall be and it hereby is transferred to the applicant herein, Mobile Radio-Telephone Service, Inc., a Colorado corporation.

That said public utilities service to the public heretofore rendered by said Telephone Answering Service, Inc., under said Certificate as so modified, shall be continued and carried on by the applicant with no curtailment of operations or services and in the same manner as such service has been rendered by said Telephone Answering Service, Inc; and that the applicant shall adopt the tariffs, rules and regulations hereinbefore filed with this Commission within twenty days from the effective date of this Order.

That applicant shall conduct its services in accordance with the rules and regulations of this Commission; and that it shall maintain adequate books of account and file annual reports with this Commission as required by this Commission's rules and regulations.

That this Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 5th day of January, 1968.  
sl

(Decision No. 70652)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF PETROLEUM TRANSPORT COMPANY, )  
SUITE 1913, 1700 BROADWAY, DENVER, )  
COLORADO, A SUBSIDIARY OF THE )  
PERMIAN CORPORATION, FOR AUTHORITY )  
TO TRANSFER PUC NO. 1512 TO WESTERN )  
OIL TRANSPORTATION CO., INC., SUITE )  
1913, 1700 BROADWAY, DENVER, COLORADO, )  
A SUBSIDIARY OF THE PERMIAN CORPORATION. )

APPLICATION NO. 22978-Transfer

-----  
January 5, 1968  
-----

Appearances: Peter T. Craven, Esq., Denver,  
Colorado, for Transferor and Transferee.

PROCEDURE AND RECORD

On December 14, 1967, Petroleum Transport Company, Suite 1913, 1700 Broadway, Denver, Colorado, a subsidiary of the Permian Corporation, and Western Oil Transportation Co., Inc., Suite 1913, 1700 Broadway, Denver, Colorado, a subsidiary of the Permian Corporation, filed the instant joint application (No. 22978-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 1512 from Petroleum Transport Company to Western Oil Transportation Co., Inc.

On December 28, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 9 a.m. on December 28, 1967. On December 28, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes

that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor herein, Petroleum Transport Co., is the present owner and operator of PUC No. 1512, which has in the past continually been operated and which presently is in good standing before the Commission. Said Certificate is described as follows:  
  
"Dec. #67733: Transportation of crude oil, in tank truck lots, between points within the State of Colorado;  
  
and crude petroleum and water, between points within the State of Colorado."
2. Transferee herein, Western Oil Transportation Co., Inc. holds no previously granted authority from this Commission.
3. This is a merger rather than a transfer in its usual sense whereby the Transferee is the surviving corporation and the Transferor is the merged corporation, and all assets of the merged corporation are being transferred to the surviving corporation, Western Oil Transportation Co., Inc. The Agreement and Plan of Merger is set forth in detail in Exhibit No. 3. There is no consideration, as such, being paid for the authority.
4. The Certificate PUC No. 1512 is free and clear of any debts, encumbrances or obligations.
5. Transferee corporation has ample equipment (see Exhibit No. 5, Appendix B), considerable experience in related fields, and net worth of \$2,947,138.92, (see Exhibit No. 5, Appendix C), all of which are ample and suitable for operation of the authority sought herein.
6. Applicants have duly and properly applied for the transfer.
7. Transferee corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. If this transfer is approved, the Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.

9. Western Oil Transportation Company, Incorporated, the Transferee, is a Texas corporation, duly qualified and authorized to transact business within the State of Colorado as a foreign corporation (see Exhibit No. 4).
10. The transfer is compatible with the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Transferor, Petroleum Transport Company, a subsidiary of the Permian Corporation, to transfer all of its rights, title and interest in and to Certificate PUC No. 1512 to Western Oil Transportation Co., Inc., a subsidiary of the Permian Corporation; description of the authority to remain in its present form.

Pursuant to the provisions of 1913 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

##### THE COMMISSION ORDERS:

That Petroleum Transport Company, Suite 1913, 1700 Broadway, Denver, Colorado, a subsidiary of the Permian Corporation, be, and hereby is, authorized to transfer all rights, title, and interest in and to PUC No. 1512 to Western Oil Transportation Co., Inc., Suite 1913, 1700 Broadway, Denver, Colorado, a subsidiary of the Permian Corporation, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 1512 shall be as follows, to-wit:

"Transportation of crude oil, in tank truck lots, between points within the State of Colorado;  
and crude petroleum and water, between points within the State of Colorado."

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of

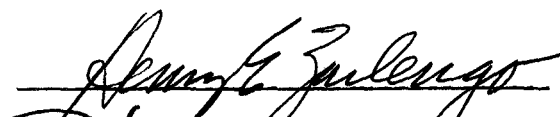
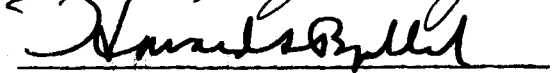
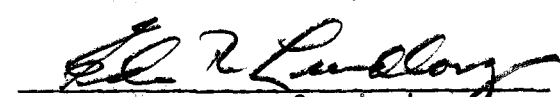
them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of the Order shall automatically revoke the authority herein granted to make the transfer, without further Order on the part of the Commission, unless such time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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF GOTTULA TRUCKING & TRANS-	)	
PORTATION, INC., P.O. BOX 112,	)	APPLICATION NO. 22825-Transfer
PUEBLO, COLORADO, FOR AUTHORITY	)	(Portion)
TO DIVIDE PUC NO. 222 and PUC	)	
NO. 222-I INTO SEPARATE AUTHORITIES.	)	
-----		

-----  
January 5, 1968  
-----

Appearances: Joseph F. Nigro, Esq., Denver,  
Colorado, for Applicant;  
Leslie R. Kehl, Esq., Denver,  
Colorado, for Red Ball Motor  
Freight, Inc., Protestant.

PROCEDURE AND RECORD

On September 22, 1967, Gottula Trucking & Transportation, Inc., P. O. Box 112, Pueblo, Colorado, filed the instant application (No. 22825-Transfer) seeking authority from the Commission to divide PUC No. 222 and PUC No. 222-I into separate authorities as set forth in the application. On October 27, 1967, Red Ball Motor Freight, Inc. filed a protest to the instant application.

On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 7, 1967. On December 26, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing an amendment to the application was

granted without objection, subject, however, to deleting therefrom anything that is not restrictive in nature. The ruling of the Hearing Examiner granting and approving the said amendment to the application is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant, Gottula Trucking & Transportation, Inc. is the owner and operator of Certificate of Authority PUC No. 222 and No. 222-I, which generally is a state-wide general commodities authority with certain restrictions, together with a line haul authority between Boone, Colorado and Pueblo, Colorado. Description is attached.
2. This application is designated as a transfer proceeding, but is in truth and in fact an application for a severance of the authority wherein the Applicant seeks to separate and divide the authority so that high explosives can be transported statewide under one authority and then a separate authority would allow transportation of general commodities between all points in the State of Colorado, restricted, however, against the transportation of high explosives.
3. Mr. Ray G. Gottula, the owner and operator of Gottula Trucking & Transportation, Inc., is in poor health and is, therefore, in the process of selling his business; and, by severing the authority as herein applied for, Applicant hopes to obtain a better price for his business.
4. The Application was protested by Red Ball Motor Freight, Inc., through its Certificate of Authority PUC No. 8 and I, the operation of which would be adversely affected if this application were granted.
5. There was no showing that public convenience and necessity required the split-off as herein applied for and, further, there was no showing that the public interest would best be served by the granting of this application.
6. The application should be denied.

#### CONCLUSIONS

That the Commission make and enter its Order denying the application herein.

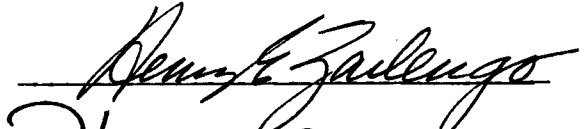


Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That Application No. 22825-Transfer, be, and hereby is, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of January, 1968.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
CERTIFICATE NO. 641 & I )  
BY: BEMAN MOTORS TRANSPORTATION, INC. )  
EAST HIGHWAY 50 )  
ROCKY FORD, COLORADO 81067 )  
Respondent )

PUC No. 641 & I  
CASE NO. 116-T

-----  
January 5, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 20, 1967, in the above-entitled Case, the Commission entered its Order revoking PUC No. 641 and PUC No. 641-I for failure to file Annual Report with the Commission.

The records of the Commission now disclose that proper filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

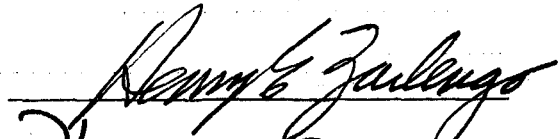
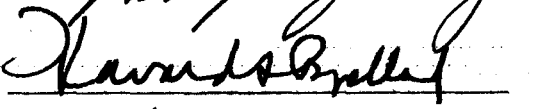

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
5th day of January, 1968. ay

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GEORGE BECKER, JR. )  
880 SOUTH FIELD )  
DENVER, COLORADO 80226 )  
----- )

PERMIT NO. B-5638

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of December 29, 1967.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zuley

Donald B. ...

Ed R. ...  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOHN D. MILLS dba )  
ACCOMMODATING HAULING SERVICE )  
7535 WEST 8TH PLACE )  
DENVER, COLORADO 80215 )

PUC NO. 3809

-----

-----  
January 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R




THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 20, 1967 to and including June 20, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GEORGE W. RAYMER )  
6825 W. MISSISSIPPI AVENUE )  
DENVER, COLORADO 80226 )

PERMIT NO. B-6759

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 29, 1967 to and including June 29, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zullinger*  
\_\_\_\_\_  
*Donald B. Bell*  
\_\_\_\_\_

*Ed. R. Lushington*  
\_\_\_\_\_  
Commissioners

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

1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
PETE AND TONY LEAL )  
11842 GILPIN STREET )  
NORTHGLENN, COLORADO 80233 )

PERMIT NO. B-4243

-----  
January 12, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

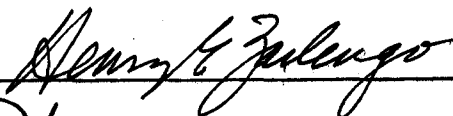
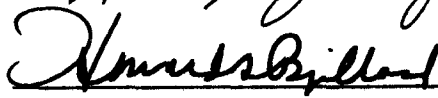

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from October 14, 1967 to and including April 14, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CLAUDE COLLARD )  
P. O. BOX 662 )  
LONGMONT, COLORADO 80501 )

PERMIT NO. B-6127

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 1, 1967 to and including June 1, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin S. Zedler*  
\_\_\_\_\_  
*Harold Bullen*  
\_\_\_\_\_  
*Ed R. Lundberg*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Lloyd N. Colton dba )  
Colton's Home Furnishings )  
Box 607 )  
Glenwood Springs, Colorado 81601 )

AUTHORITY NO. M-563  
CASE NO. 2409-M-Ins.

-----  
January 8, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 27, 1967 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

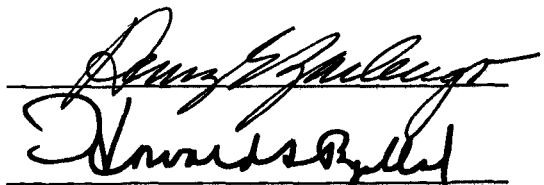

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado, this  
8th day of January 1968 .

(Decision No. 70661)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
YELLOW CAB, INC., 3455 ARKINS )  
COURT, DENVER, COLORADO. )

PUC NO. 2204  
PUC NO. 2204-I

-----  
January 8, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Commission has received a written request from Walter M. Simon, Attorney for Yellow Cab, Inc., requesting that said Yellow Cab, Inc. be relieved from complying with Rule 18 (a)(3) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle relating to the filing of certificate of insurance showing cargo coverage.

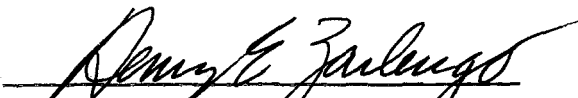
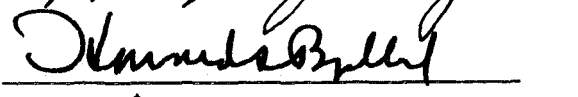

Upon full consideration of the matter the Commission states and finds that to grant the request will not be in the public interest and should be denied.

O R D E R

THE COMMISSION ORDERS:

That the request for waiver of Rule 18 (a)(3) of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle above referred to be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 8th day of January, 1968  
et



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES G. BROWN, BOX 44, STRATFORD, )  
TEXAS, FOR AUTHORITY TO TRANSFER )  
PUC NO. 6792-I TO TOMMY O'NEAL AND )  
G. H. DAY, DOING BUSINESS AS "TOMMY )  
O'NEAL," STAR ROUTE 3, HART, TEXAS. )  
-----

PUC NO. 6792-I-Transfer

-----  
January 9, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Charles G. Brown, Stratford, Texas, heretofore was granted a certificate of public convenience and necessity, being PUC No. 6792-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holder now seeks authority to transfer said PUC No. 6792-I to Tommy O'Neal and G. H. Day, doing business as "Tommy O'Neal," Hart, Texas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

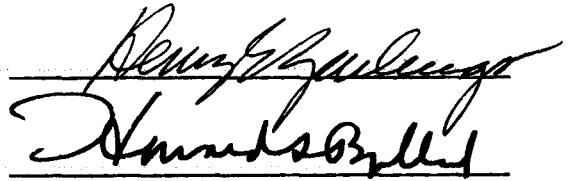
THE COMMISSION ORDERS:

That Charles G. Brown, Stratford, Texas, be, and hereby is, authorized to transfer all his right, title, and interest in and to PUC No. 6792-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Tommy O'Neal and G. H. Day, doing business as "Tommy O'Neal," Hart, Texas, subject to encumbrances against said

operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
Commissioners

Dated at Denver, Colorado,  
this 9th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GERALD C. MOREHOUSE, KENNETH W. )  
MOREHOUSE, AND CECIL B. MOREHOUSE, )  
DOING BUSINESS AS "W. N. MOREHOUSE," )  
2501 D STREET, OMAHA, NEBRASKA, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO W. N. MOREHOUSE )  
TRUCK LINE, INC., A NEBRASKA CORPO- )  
RATION, 2501 D STREET, OMAHA, )  
NEBRASKA. )

PUC NO. 1459-I-Transfer

-----  
January 9, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Gerald C. Morehouse, Kenneth W. Morehouse, and Cecil B. Morehouse, doing business as "W. N. Morehouse," Omaha, Nebraska, heretofore were granted a certificate of public convenience and necessity, being PUC No. 1459-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holders now seek authority to transfer said PUC No. 1459-I to W. N. Morehouse Truck Line, Inc., a Nebraska corporation, Omaha, Nebraska.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

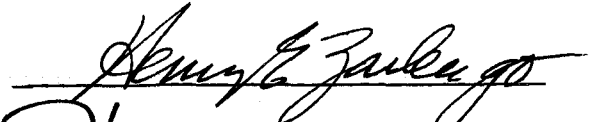
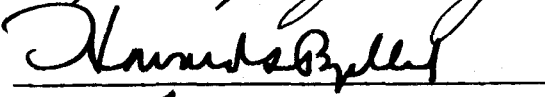
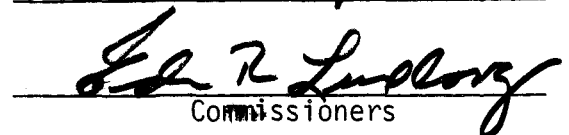
THE COMMISSION ORDERS:

That Gerald C. Morehouse, Kenneth W. Morehouse, and Cecil B. Morehouse, doing business as "W. N. Morehouse," Omaha, Nebraska, be, and

hereby are, authorized to transfer all their right, title and interest in and to PUC No. 1459-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to W. N. Morehouse Truck Line, Inc., a Nebraska corporation, Omaha, Nebraska, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 9th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1061 TO GRAND RIVER TRANSFER )  
INC., 2612 "G" ROAD, GRAND JUNCTION, )  
COLORADO. )

APPLICATION NO. 22793-Transfer

-----  
IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-2726 TO GRAND RIVER )  
TRANSFER INC., 2612 "G" ROAD, GRAND )  
JUNCTION, COLORADO. )

APPLICATION NO. 22794-PP-Transfer

-----  
IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-3108 TO GRAND RIVER )  
TRANSFER INC., 2612 "G" ROAD, GRAND )  
JUNCTION, COLORADO. )

APPLICATION NO. 22795-PP-Transfer

-----  
January 8, 1968  
-----

Appearances: John J. Conway, Esq., Denver,  
Colorado, for Transferor;  
Byron R. Huber, Grand Junction,  
Colorado, President of Transferee  
corporation, pro se.

PROCEDURE AND RECORD

On September 8, 1967, Western Transfer Ltd., 1931 East Main Street, Grand Junction, Colorado, and Grand River Transfer Inc., 2612 "G" Road, Grand Junction, Colorado, filed the instant joint applications (No. 22793-Transfer, No. 22794-PP-Transfer and No. 22795-PP-Transfer), seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 1061 and Permits No. B-2726 and B-3108, from Western Transfer Ltd. to Grand River Transfer Inc.

On September 14, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant applications. On October 11, 1967, the Commission vacated and reset hearing on these applications for November 7, 1967. After due and proper notice, the Applications were heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 7, 1967. On December 26, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written Statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the applications. At the request of the parties hereto, official notice was taken of Decision Nos. 64018, 54553, 56647, 7965, 14975 and 64199, also Applications No. 22533-Transfer, 22534-PP-Transfer and 22535-PP-Transfer filed previously by Transferor.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferor, Western Transfer Ltd., a Colorado corporation, is the present owner and operator of the following authorities:

- PUC No. 1061 - described in Exhibit 1, attached hereto and made a part of the record.
- Permit No. B-2726 - described in Exhibit 2, attached hereto and made a part of the record.
- Permit No. B-3708 - described in Exhibit 3, attached hereto and made a part of the record.
- PUC No. 3490 - described in Exhibit 4, attached hereto and made a part of the record.
- Permit No. B-1573 - described in Exhibit 5, attached hereto and made a part of the record.

2. By the instant application, said Transferor proposes to transfer Certificate of Authority PUC No. 1061, Permit No. B-2726 and Permit No. B-3108 (Exhibits 1, 2 and 3 mentioned above) to the Transferee; however, said Transferor will retain the authorities designated as Certificate of Authority PUC No. 3490 and Permit No. B-1573 (Exhibits 4 and 5 above.)
3. At the time of the hearing, the parties proposed to split off of PUC No. 1061 that portion which provides for "transportation of used, furniture, household goods and office equipment in the town of DeBeque, and a 20-mile radius therefrom, and to and from points in said area on the one hand, to and from points in the State of Colorado on the other hand, provided, however, that no authority is granted authorizing transportation of such commodities from town to town along U. S. Highway No. 24." This proposed split-out of said Certificate is set forth in Applicant's Exhibit No. 10. However, and inasmuch as said split-off was not set forth in the application, Applicant later withdrew this request.
4. Transferee is a Colorado corporation, duly organized and existing under the laws of the State of Colorado and presently holds no authority issued by this Commission.
5. Transferor has in the past continually operated the above described authorities, all of which are presently in good standing before the Commission.
6. All of the authorities involved herein are encumbered and said encumbrance should be approved.
7. There is considerable duplication among the authorities to be transferred, as well as the authorities to be retained by the Transferor and said authorities should, therefore, be redescribed as hereinafter set forth.
8. The parties have entered into an Agreement for the transfer of the authorities as more fully set out in Exhibit 6, which Agreement provides for a consideration of the sum of \$12,500.
9. Transferee corporation has sufficient equipment (see Exhibit No. 11), 21 years of experience in related fields, and a net worth of \$313,865.88 (pursuant to financial statement attached to the application), all of which are ample and suitable for operation of the authority sought herein.
10. Applicants have duly and properly applied for these transfers.
11. Transferee corporation is familiar with the rules and regulations of the Public Utilities Commission and, if these applications are granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.

12. The transfers, as described below, are compatible with the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing Western Transfer Ltd. to transfer all of its rights, title and interest in and to Certificate of Authority PUC No. 1061, Permit No. B-2726 and Permit No. B-3108; and that the authorities being transferred, as well as those being retained by Transferor, shall henceforth be described as follows:

#### "PUC No. 1061:

1. Conduct of a general cartage and transfer business in the Town of DeBeque.
2. Transportation of farm products, including livestock and farm supplies:
  - (a) From and to farms within a twenty (20) mile radius of DeBeque, Colorado,
  - (b) On the Roan Creek within thirty (30) miles of DeBeque, Colorado.
  - (c) To and from the Town of DeBeque, Colorado and other loading points within said twenty (20) mile radius or within thirty (30) miles of DeBeque on the Roan Creek.
  - (d) To and from points in said twenty (20) mile radius of DeBeque and within thirty (30) miles of DeBeque on the Roan Creek; from and to points in the State of Colorado.

#### RESTRICTED:

- (1) Against transportation of freight from town to town along U.S. Highway No. 24.
- (2) All transportation performed under this certificate shall be for customers residing within a twenty (20) mile radius of DeBeque or within thirty (30) miles of DeBeque on the Roan Creek."

Permits B-2726 and B-3108 would be consolidated under the designation "Permit No. B-2726," and the authority thereunder shall henceforth appear as follows:

- "1. Transportation of farm products, including livestock, coal and lumber on call and demand between points within a radius of twenty-five (25) miles of Grand Junction and from and to points in said radius to and from all points in the State of Colorado.
2. Transportation of livestock, hay and grain, including prepared feed on call and demand between points within a radius of fifty (50) miles of Grand Junction, Colorado and from and to points within said radius to and from points within the State of Colorado. Restricted against transportation in Delta and Montrose Counties, except livestock in that portion of Delta County within a twenty-five (25) mile radius of Grand Junction. Also restricted against service within a twenty (20) mile radius of DeBeque.



3. Transportation of milk and cream on call and demand between points within a radius of fifty (50) miles of Grand Junction and from and to points within said radius to and from all points within the State of Colorado.
4. Transportation of livestock from ranches within a twenty-five (25) mile radius of Naturita, Colorado to sales rings in Naturita and from the sales rings to points within said twenty-five (25) mile radius."

Certificate of Authority PUC No. 3490 (being retained by Transferor) shall be described as follows:

"Transportation of furniture and household goods, from point to point within the corporate limits of Grand Junction, Colorado, "household goods" being defined as follows: "uncrated and unpacked mixed shipments of used, second-hand personal effects, and property used or to be used in dwelling or office when a part of the equipment of supply of such dwelling or office; mixed shipments of fixtures, equipment, and the property of stores."

Permit No. B-1573 (being retained by Transferor) shall be described as follows:

"Transportation of used furniture, farm machinery, and farm equipment, from farm to farm (this excludes transportation which both originates and terminates within the corporate limits of the City of Grand Junction) within a 50-mile radius of Loma, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### ORDER

##### THE COMMISSION ORDERS:

That Western Transfer Ltd., 1931 East Main Street, Grand Junction, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to Certificate of Convenience and Necessity No. 1061 and Permit No. B-2726 and Permit No. B-3108, subject to encumbrances, if any, against said authority approved by this Commission.

That Permit No. B-2726 and Permit No. B-3108 shall be consolidated under the designation "Permit No. B-2726."

That henceforth the full and complete authority under PUC No. 1061 shall be as follows, to-wit:

- "1. Conduct of a general cartage and transfer business in the Town of DeBeque.
2. Transportation of farm products, including livestock and farm supplies:
  - (a) From and to farms within a twenty (20) mile radius of DeBeque, Colorado.
  - (b) On the Roan Creek within thirty (30) miles of DeBeque, Colorado.
  - (c) To and from the Town of DeBeque, Colorado and other loading points within said twenty (20) mile radius or within thirty (30) miles of DeBeque on the Roan Creek.
  - (d) To and from points in said twenty (20) mile radius of DeBeque and within thirty (30) miles of DeBeque on the Roan Creek; from and to points in the State of Colorado.

RESTRICTED:

- (1) Against transportation of freight from town to town along U.S. Highway No. 24.
- (2) All transportation performed under this certificate shall be for customers residing within a twenty (20) mile radius of DeBeque or within thirty (30) miles of DeBeque on the Roan Creek."

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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein,

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

That henceforth the full and complete authority under Permit No. B-2726 shall be as follows, to-wit:

- "1. Transportation of farm products, including livestock, coal and lumber on call and demand between points within a radius of twenty-five (25) miles of Grand Junction and from and to points in said radius to and from all points in the State of Colorado.
2. Transportation of livestock, hay and grain, including prepared feed on call and demand between points within a radius of fifty (50) miles of Grand Junction, Colorado and from and to points within said radius to and from points within the State of Colorado. Restricted against transportation in Delta and Montrose Counties, except livestock in that portion of Delta County within a twenty-five (25) mile radius of Grand Junction. Also, restricted against service within a twenty (20) mile radius of DeBeque.
3. Transportation of milk and cream on call and demand between points within a radius of fifty (50) miles of Grand Junction and from and to points within said radius to and from all points within the State of Colorado.
4. Transportation of livestock from ranches within a twenty-five (25) mile radius of Naturita, Colorado to sales rings in Naturita and from the sales rings to points within said twenty-five (25) mile radius."

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

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

the time of transfer of said permit.

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

That henceforth the full and complete authority under PUC No. 3490 being retained by Transferor, shall be as follows, to-wit:




"Transportation of furniture and household goods, from point to point within the corporate limits of Grand Junction, Colorado, 'household goods' being defined as follows: 'uncrated and unpacked mixed shipments of used, second-hand personal effects, and property used or to be used in dwelling or office when a part of the equipment of supply of such dwelling or office; mixed shipments of fixtures, equipment, and the property of stores'."

That henceforth the full and complete authority under Permit No. B-1573 being retained by Transferor, shall be as follows, to-wit:

"Transportation of used furniture, farm machinery, and farm equipment, from farm to farm (this excludes transportation which both originates and terminates within the corporate limits of the City of Grand Junction) within a 50-mile radius of Loma, Colorado."

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 8th day of January, 1968.

15

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )	
OF IDA LEWIS, DOING BUSINESS AS )	
"RITZ CAB COMPANY," 4268 YORK )	
STREET, DENVER, COLORADO, FOR )	
AUTHORITY TO EXTEND OPERATIONS )	<u>APPLICATION NO. 22537-Extension</u>
UNDER PUC NO. 1481 BY INCREASING )	
THE TOTAL NUMBER OF TAXICABS )	<u>SUPPLEMENTAL ORDER</u>
AUTHORIZED UNDER PUC NO. 1481 BY )	
<u>10, TO A TOTAL OF 32.</u> - - - - - )	

-----  
January 8, 1968  
-----

Appearances: John F. Mueller, Esq.,  
Denver, Colorado, for Applicant;  
Harlan G. Balaban, Esq.,  
Denver, Colorado, and  
Walter M. Simon, Esq.,  
Denver, Colorado, for Checker Cab,  
Inc., and Yellow Cab, Inc., for  
Protestants.

STATEMENT AND FINDINGS OF FACT

On December 11, 1967, the Commission entered Decision No. 70530 in the above styled application, authorizing extension of operations under PUC No. 1481.

It now appears that the Commission, through inadvertence, in setting forth the authority contained under PUC No. 1481, incorrectly restricted the Applicant to an office within a two block radius of the intersection of 27th Avenue and Welton Street, Denver, Colorado, rather than 4268 York Street, Denver, Colorado.

In view of the above and foregoing, the Commission states and finds that Decision No. 70530, dated December 11, 1967, should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 70530, be, and the same hereby is, amended, nunc pro tunc, as of December 11, 1967, by striking therefrom the second

paragraph of the Order therein contained and the entire authority under PUC No. 1481, appearing on pages 4, 5, and 6 of the Order thereof, and inserting in lieu thereof the following:

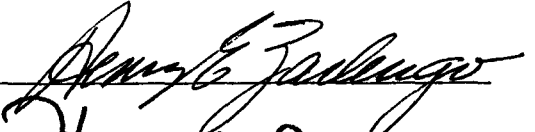
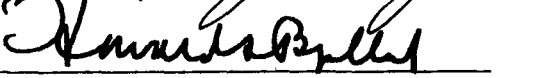
That Ida Lewis, doing business as "Ritz Cab Company," Denver, Colorado, be, and hereby is, authorized to extend operations under PUC No. 1481 to include the 10 additional taxicab units and henceforth the full and complete authority under said PUC No. 1481 shall read as follows, to-wit:

- "(1) Transportation of passengers and baggage in taxicab service from point to point within a sixteen (16) mile radius of 16th and Champa Street, Denver, Colorado, subject to the following restrictions:
  - a) Excluding service between Englewood and Fort Logan.
  - b) Restricted to the use of thirty-two (32) vehicles within the City and County of Denver.
  - c) Restricted to an office at 4268 York Street, Denver, Colorado.
  
- (2) Transportation of passengers and baggage in sight-seeing service:
  - a) From Denver to Colorado Springs, including Manitou Springs, Cave of the Winds and Pueblo and return.
  - b) From Denver to Denver Mountain Parks and return.
  - c) From Denver to Idaho Springs, Echo Lake and Mt. Evans and return.
  - d) From Denver to Granby and return.
  - e) From Denver to Boulder and return.
  - f) From Denver to Estes Park and return.
  - g) Between Denver and Lincoln Hills and the Denver Mountain Parks area to Lincoln Hills and return.
  - h) Between Lincoln Hills and any other point authorized in the conduct of this sight-seeing service;subject to the following restrictions:
  - a) Equipment to be operated by applicant shall be limited to vehicles having a seating capacity of seven (7) passengers or less.

- b) Restricted to an office within a one (1) block radius of 27th Avenue and Welton Street, Denver, Colorado, except in service to or from Lincoln Hills, an office may be maintained at Lincoln Hills.
  - c) The portion of Certificate No. 1481 pertaining to sightseeing shall be non-transferable.
  - d) All sightseeing trips operations under this certificate shall be one-day, round-trip operations, originating or terminating at either Denver or Lincoln Hills.
  - e) This portion of Certificate No. 1481 shall be restricted to the use of four (4) vehicles, except service between Denver and Lincoln Hills shall not be subject to this restriction.
- (3) Transportation of passengers and baggage from and to all points within the City and County of Denver, to and from all points within a radius of eighty-five (85) miles of Sixteenth and Champa Streets, Denver, Colorado, subject to the following restrictions:
- a) Excluding the pick-up of passengers and/or baggage within a fifteen (15) mile radius of the following cities, to-wit:
    - 1) Boulder, Colorado
    - 2) Fort Collins, Colorado
    - 3) Greeley, Colorado
    - 4) Longmont, Colorado
    - 5) Loveland, Colorado
  - b) Excluding service from Brighton, Colorado, unless it is on a round-trip basis having origin in Denver, Colorado or a sixteen (16) mile radius from Sixteenth and Champa Streets, Denver, Colorado.
  - c) Vehicles used in the conduct of operation under this certificate shall be limited to manufacturer's rated capacity of five (5) passengers plus driver.
  - d) All service performed shall be furnished at taxi-cab rates at all times.
  - e) Restricted to the use of thirty-two (32) vehicles."

That, except as herein amended, Decision No. 70530 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  


  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado  
this 8th day of January, 1968.

s1



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
IDA LEWIS, DOING BUSINESS AS "RITZ )  
CAB COMPANY," 4268 YORK STREET, )  
DENVER, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PUC NO. 1481 )  
BY INCREASING THE TOTAL NUMBER OF )  
TAXICABS AUTHORIZED UNDER PUC NO. )  
1481 BY 10, TO A TOTAL OF 32. )  
-----

APPLICATION NO. 22537-Extension

SUPPLEMENTAL ORDER

-----  
January 8, 1968  
-----

Appearances: John F. Mueller, Esq., Denver,  
Colorado, for Applicant;  
Harlan G. Balaban, Esq., Denver,  
Colorado, and  
Walter M. Simon, Esq., Denver,  
Colorado, for Checker Cab, Inc.,  
and Yellow Cab, Inc., Protestants.

STATEMENT AND FINDINGS OF FACT

On December 11, 1967, the Commission entered Decision No. 70530 in the above-entitled matter.

On January 2, 1968, "Petition for Rehearing on Behalf of Yellow Cab, Inc. and Checker Cab, Inc.," was filed with the Commission by Walter M. Simon, Attorney for Protestants Yellow Cab, Inc. and Checker Cab, Inc.

The Commission has carefully considered said Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petition should be denied.

O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing on behalf of Yellow Cab, Inc. and Checker Cab, Inc., filed with the Commission be, and the same hereby is, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zerkow*  
*Howard B. Miller*

*E. R. Lindsay*  
Commissioners

Dated at Denver, Colorado  
this 8th day of January, 1968  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEORA LUCILLE BLANKENBECKLER, )  
EXECUTRIX OF THE ESTATE OF WILLIAM )  
BLANKENBECKLER, DECEASED, 211 )  
PLATTE STREET, STERLING, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
992 AND PUC NO. 992-I TO LEORA )  
LUCILLE BLANKENBECKLER, 211 PLATTE )  
STREET, STERLING, COLORADO. )

APPLICATION NO. 22914-Transfer  
SUPPLEMENTAL ORDER

-----  
January 9, 1968  
-----

Appearances: Marion F. Jones, Esq., Denver,  
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

On December 28, 1967, the Commission entered Decision No. 70620 authorizing the transfer of PUC No. 992 and PUC No. 992-I.

It now appears that the Commission through inadvertence, in setting forth the authority contained under PUC No. 992 and PUC No. 992-I, omitted commercial feed as one of the commodities to be transported under said authority.

In view of the above and foregoing, the Commission states and finds that Decision No. 70620 should be amended as set forth in the Order following.

O. R. D. E. R

THE COMMISSION ORDERS:

That Decision No. 70620 be, and the same hereby is, amended, nunc pro tunc, as of December 28, 1967, by striking therefrom the second paragraph of the Order therein contained and the entire authority under PUC No. 992 and PUC No. 992-I, appearing on page 4 of the Order thereof, and inserting in lieu thereof the following:

"That henceforth the full and complete authority under PUC No. 992 and PUC No. 992-I shall be as follows, to-wit:

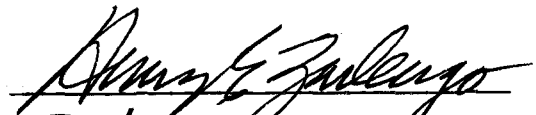
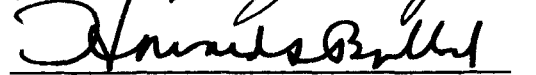
1. Transportation, on call and demand, of farm products (including livestock), building materials, used farm machinery and equipment, household goods and equipment, and commercial feed, from point to point within a fifteen (15) mile radius of Sterling, Colorado, and to and from said points, from and to points in the State of Colorado.

RESTRICTION: No service of a competitive character shall be rendered to points served by North Eastern Motor Freight, Inc., and no service, except the movement of livestock, bulk farm products and commercial feeds, shall be rendered from points on U. S. 85 and 50, to points in said fifteen (15) mile radius. The movement of commercial feeds shall be destined only to farms within said fifteen (15) mile radius.

2. INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

That, except as herein amended, Decision No. 70620 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 9th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF MONARCH AVIATION, INC., P. O. )  
BOX 1132, GRAND JUNCTION, COLORADO, )  
TO EXTEND OPERATIONS UNDER PUC )  
NO. AC-7. )  
-----

APPLICATION NO. 22771-Extension

-----  
January 9, 1968  
-----

Appearances: William H. Nelson, Esq., Grand  
Junction, Colorado, for Applicant.

PROCEDURE AND RECORD

On August 25, 1967, Monarch Aviation, Inc., P. O. Box 1132, Grand Junction, Colorado, filed the instant application (No. 22771-Extension) for an extension of its present Certificate of Public Convenience and Necessity PUC No. AC-7 to operate as a common carrier by airplane as set forth in the application. On November 27, 1967, protests to the instant application were received from Aspen Airways, Inc. and Vail Airways, Inc.

On November 3, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the District Court Room, Court House, Grand Junction, Colorado, at 10:30 a.m. on December 5, 1967. On December 27, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions.

Prior to the hearing, Applicant worked out an agreement with Protestants, Aspen Airways, Inc. and Vail Airways, Inc. to the effect that if Applicant would restrict its Certificate so that it would charge 120% of competing scheduled carrier rates when transporting passengers and freight between points in Colorado which are served by Protestants in scheduled service, then and in that event said Protestants would

withdraw their protests. Withdrawal of protests were received by letter on December 4, 1967 from Vail Airways, Inc. and Aspen Airways, Inc.

At the time of the hearing, Applicant requested an amendment to his application according to the agreement stated hereinabove, which amendment was restrictive in nature. The amendment being restrictive in nature was granted and approved by the Hearing Examiner. The ruling of the Hearing Examiner granting and approving the said amendment is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Monarch Aviation, Inc. is a Colorado corporation, organized and existing under the laws of the State of Colorado.
2. Applicant presently holds Certificate of Authority PUC No. AC-7, presently in good standing before the Commission, and described as follows:

"Transportation, by airplane, in intrastate and interstate commerce, of persons and property, not on schedule, but on call and demand, from, to, and between all points in the State of Colorado, provided that either the point of departure or the point of destination of any flight shall be within a radius of 100 miles of Grand Junction, Colorado, and, further provided that no office, or branch, shall be established for the purpose of developing business in any town, place or city other than at:

- (a) Grand Junction, Colorado, and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, Colorado.
- (b) Aspen, Colorado, and nearby Sardy Field (Pitkin County Airport) and other airports, if any, in Pitkin County, Colorado.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be at least fifty percent greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points."

3. Applicant corporation has duly and properly applied for an extension to his Certificate AC-7 as follows:

"By deleting therefrom (1) the requirement that either the point of departure or point of destination of all flights shall be within a radius of 100 miles of Grand Junction, Colorado, and (2) the requirement that its rates 'for the transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least 50% per passenger greater than the effective rates of fixed route carriers by airplane so operating on schedule between said points'."

4. Applicant corporation has ample equipment (see late filed exhibits - Equipment List), 22 years of experience in related fields, and sufficient net worth (see late filed exhibit - Financial Statement), all of which are ample and suitable for operation of the authority requested herein.

5. Applicant corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.

6. In many instances, this Applicant will be furnishing a "shuttle service" between various Western Slope cities and this type of service compliments rather than competes with scheduled carriers.

7. The transportation requirements in and out of the Western Slope mountain areas have grown immensely in the past few years and the extension applied for herein will, therefore, be in the public interest.

8. There is a present and special need for the service and existing service is inadequate to meet the particular transportation requirements sought herein.

9. The present or future public convenience and necessity requires or will require such service, and the authority will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Monarch Aviation, Inc., to extend operations under its Certificate PUC No. AC-7 by deleting therefrom:

1. The requirement that either the point of departure or point of destination of all flights shall be within a radius of 100 miles of Grand Junction, Colorado,

2. The requirement that its rates "for transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least 50% per passenger greater than the effective rates of fixed route carriers by airplane so operating on schedule between said points."

and inserting thereto the following:

"restricted, however, in that whenever transporting passengers on schedule in competition with scheduled intrastate carriers operating on schedule over fixed routes, a fare of 120% of the regular fare being charged by said carriers shall be charged,"

and that henceforth the authority under Certificate PUC No. AC-7 shall be as follows:

"Transportation by airplane in intrastate and interstate commerce, of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, provided that no office, or branch, shall be established for the purpose of developing business in any town, place or city other than at:

- (1) Grand Junction, Colorado and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, Colorado, and
- (2) Aspen, Colorado and nearby Sardy Field (Pitkin County Airport) and other airports, if any, in Pitkin County, Colorado,

RESTRICTED, however, in that when transporting passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith, a fare of not less than 120% of the regular fare (on a per seat basis) of said fixed route carriers shall be charged."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### ORDER

##### THE COMMISSION ORDERS:

That Monarch Aviation, Inc., P. O. Box 1132, Grand Junction, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience PUC No. AC-7.

That henceforth the full and complete authority under PUC No. AC-7 shall be as follows, to-wit:

"Transportation by airplane in intrastate and interstate commerce, of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, provided that no office, or branch, shall be established for the purpose of developing business in any town, place or city other than at:





- (1) Grand Junction, Colorado and nearby Walker Field (Municipal Airport) and other airports, if any, in Mesa County, Colorado, and
- (2) Aspen, Colorado and nearby Sardy Field (Pitkin County Airport) and other airports, if any, in Pitkin County, Colorado,

RESTRICTED, however, in that when transporting passengers between points served by air carriers operating on schedule over fixed routes and in competition therewith, a fare of not less than 120% of the regular fare (on a per seat basis) of said fixed route carriers shall be charged."

That Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 9th day of January, 1968.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF  
ALVERNE A. JONES, DOING BUSINESS AS  
"MOUNTAIN DISPOSAL SERVICE," 10670  
WEST 47TH PLACE, WHEATRIDGE, COLORADO.

} PUC NO. 2875, PUC NO. 4063  
} PERMIT NO. B-6505

-----  
January 9, 1968  
-----

STATEMENT AND FINDINGS OF FACT

On June 22, 1966, the Commission entered Decision No. 67644, as amended by Decision No. 67736, dated July 11, 1966, approving encumbrance of PUC No. 2875 and PUC No. 4063, to The First National Bank in Golden, to secure payment of the sum of \$12,304.00.

The Commission is now in receipt of a communication from the said First National Bank in Golden, stating that they release the assignment of said PUC No. 2875 and PUC No. 4063.

The Commission has also been advised that Alverne A. Jones, doing business as "Mountain Disposal Service," (debtor), owner and operator of PUC No. 2875, PUC No. 4063 and Permit No. B-6505, herein seeks authority to encumber said Certificates and Permit to secure an S.B.A. loan from The First National Bank of Arvada, Colorado (Secured Party), to secure payment of the indebtedness in the sum of \$17,000.00, in accordance with the certain terms and conditions as set forth in copies of the Financing Statement, Security Agreement and Promissory Note, dated December 20, 1967, properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code.

The Commission states and finds that the authority herein sought is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R




THE COMMISSION ORDERS:

That the encumbrance of PUC No. 2875 and PUC No. 4063, authorized by Decision No. 67644, dated June 22, 1966, and Decision No. 67736, dated July 11, 1966, be, and the same hereby is, released, as requested by The First National Bank of Golden, Mortgagee herein, insofar as it concerns this Commission.

That Debtor, Alverne A. Jones, doing business as "Mountain Disposal Service," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 2875, PUC No. 4063 and Permit No. B-6505 to Secured Party, The First National Bank of Arvada, Colorado, to secure payment of the indebtedness in the sum of \$17,000.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 9th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF L. D. MORSE, 1907 TESLA DRIVE, )  
COLORADO SPRINGS, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT B-7065. )

APPLICATION NO. 22807-PP-Extension

-----  
January 10, 1968  
-----

Appearances: John H. Lewis, Esq., Denver, Colorado,  
and  
Gerald Wallis, Esq., Denver, Colorado,  
for Applicant;  
Leslie R. Kehl, Esq., Denver, Colorado,  
and  
David Driggers, Esq., Denver, Colorado,  
for News and Film Service, Inc.,  
Protestant.

PROCEDURE AND RECORD

On September 18, 1967, L. D. Morse, 1907 Tesla Drive, Colorado Springs, Colorado, filed the instant application (No. 22807-PP-Extension) for an extension of his present Class "B" Permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of commodities as set forth in the application. On September 29, 1967, the Staff of the Commission issued temporary authority to so operate to L. D. Morse and again on December 28, 1967 extended the temporary authority for an additional 90 days. On November 22, 1967, a protest to the instant application was filed by News and Film Service, Inc.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in Hearing Room "A" of the Commission, 534 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 4, 1967. On January 3, 1967, the

said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds authority under Permit No. B-7065 described as follows:  
  
"Dec. #69597: Transportation of Rocky Mountain News newspapers from Denver, Colorado to Lamar, Colorado, including all intermediate points between Pueblo, Colorado and Lamar, Colorado, but not to include any intermediate points between Denver, Colorado and Pueblo, Colorado."  
  
Said authority is presently in good standing before the Commission.
2. Applicant has duly and properly applied for an extension to his Class "B" Permit for the delivery and distribution of newspapers for one customer only; viz., the Rocky Mountain News, and inasmuch as there is a real need for specialized, speedy service, that service can best be rendered by contract or private cartage and by doing so, the public is best served.
3. Applicant has a 1968 Chevrolet 1 ton and a 1968 Chevrolet 1/2 ton (he will get one more 1/2 ton Pickup if this authority is granted), has had considerable experience in related fields, and a net worth of \$19,600, all of which are ample and suitable for operation of the authority sought herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service, and if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The shipper in this instance has not been using and would not use a common carrier. In fact, common carriage would not best serve this shipper or the public served by him.

7. The evidence presented in opposition to this extension is too general, indefinite and uncertain, so as to cause a denial of said extension.
8. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
9. The granting of the authority as applied for will be in the public interest and, as described below, should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, L. D. Morse, to extend his authority under Permit No. B-7065 and that henceforth the entire authority shall be described as follows:

- "1. Transportation of newspapers for the Rocky Mountain News only from Denver, Colorado to Trinidad, Colorado, via U.S. Highway 85 and Interstate Highway 25, serving all intermediate points and the off-route points of Palmer Lake and Larkspur.
2. Transportation of newspapers for the Rocky Mountain News only from Denver to Trinidad via U.S. Highway 85 and Interstate Highway 25 to Colorado Springs, then from Colorado Springs over Colorado Highway 115 to its junction with U.S. Highway 50, thence via U.S. Highway 50 to Canon City, thence via Colorado Highway 120 to its junction with Colorado Highway 67, thence via Colorado Highway 67 to its junction with Colorado Highway 96, thence via Colorado Highway 96 to its junction with Colorado Highway 165, thence via Colorado Highway 165 to its junction with U.S. Highway 85 and Interstate Highway 25, thence via U.S. Highway 85 and Interstate Highway 25 to Trinidad, Colorado, serving all intermediate points.
3. Transportation of newspapers for the Rocky Mountain News between Pueblo and Canon City, Colorado via U.S. Highway 50, serving all intermediate points.
4. Transportation of newspapers for the Rocky Mountain News only from Denver, Colorado to Holly, Colorado over U.S. Highway 85 and Interstate Highway 25 to Pueblo, and thence over U.S. Highway 50 to Holly, serving all intermediate points and the off-route points of McClave and Wiley, Colorado."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

O R D E R

THE COMMISSION ORDERS:

That L. D. Morse, 1907 Tesla Drive, Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7065.

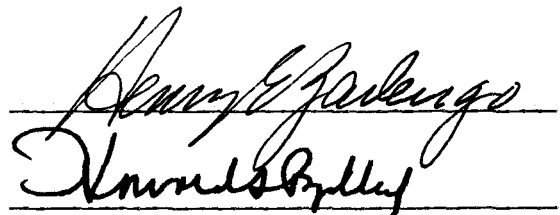
That henceforth the full and complete authority under Permit No. B-7065 shall be as follows, to-wit:

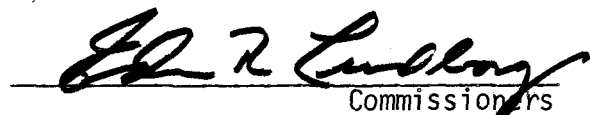
- "1. Transportation of newspapers for the Rocky Mountain News only from Denver, Colorado to Trinidad, Colorado, via U.S. Highway 85 and Interstate Highway 25, serving all intermediate points and the off-route points of Palmer Lake and Larkspur.
2. Transportation of newspapers for the Rocky Mountain News only from Denver to Trinidad via U.S. Highway 85 and Interstate Highway 25 to Colorado Springs, then from Colorado Springs over Colorado Highway 115 to its junction with U.S. Highway 50, thence via U.S. Highway 50 to Canon City, thence via Colorado Highway 120 to its junction with Colorado Highway 67, thence via Colorado Highway 67 to its junction with Colorado Highway 96, thence via Colorado Highway 96 to its junction with Colorado Highway 165, thence via Colorado Highway 165 to its junction with U.S. Highway 85 and Interstate Highway 25, thence via U.S. Highway 85 and Interstate Highway 25 to Trinidad, Colorado, serving all intermediate points.
3. Transportation of newspapers for the Rocky Mountain News between Pueblo and Canon City, Colorado via U.S. Highway 50, serving all intermediate points.
4. Transportation of newspapers for the Rocky Mountain News only from Denver, Colorado to Holly, Colorado over U.S. Highway 85 and Interstate Highway 25 to Pueblo, and thence over U.S. Highway 50 to Holly, serving all intermediate points and the off-route points of McClave and Wiley, Colorado."

This Order shall become effective twenty-one days from date

hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Henry E. Fredericks

  
\_\_\_\_\_  
Ed R. Ludlow  
Commissioners

Dated at Denver, Colorado,  
this 10th day of January, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF S. C. THOMAS, DOING BUSINESS AS )  
"THOMAS HOUSE MOVERS," 695 36 ROAD, )  
PALISADE, COLORADO, FOR AUTHORITY )  
TO EXTEND OPERATIONS UNDER PUC )  
NO. 5071. )

APPLICATION NO. 22822-Extension

-----

-----  
January 10, 1968  
-----

Appearances: Leslie R. Kehl, Esq., Denver, Colorado,  
for Applicant;  
Sidney Pleasant, Esq., Craig, Colorado,  
and  
Rodney H. Peck, Esq., Craig, Colorado,  
for William B. Nelson, doing business  
as "Nelson Transportation," Protestant.

PROCEDURE AND RECORD

On September 25, 1967, S. C. Thomas, doing business as "Thomas House Movers," 695 36 Road, Palisade, Colorado, filed the instant application (No. 22822-Extension), seeking authority from this Commission for an extension of his present Certificate of Public Convenience and Necessity No. 5071 as set forth in the application. On November 2, 1967, a protest was filed by William B. Nelson, doing business as "Nelson Transportation," to the instant application.

On October 25, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the District Court, Court House, Meeker, Colorado, at 9 a.m. on November 14, 1967. On January 3, 1968, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.



The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. S. C. Thomas, doing business as "Thomas House Movers," presently holds Certificate PUC No. 5071, described as follows:  
  
"Dec. #65034: Transportation of buildings generally, whole and dismantled, excluding box cars and trolley cars, from point to point within all of the area of the State of Colorado lying west of the Continental Divide,  
  
excluding, however, any service in Moffat, Rio Blanco, Routt, Jackson, and Grand Counties, Colorado."
2. Said Certificate is presently in good standing before the Commission.
3. By the instant application, Applicant seeks to remove from the authority the exclusion therefrom against service in Moffat, Rio Blanco and Routt Counties, Colorado, and to include therein authority to transport boxcars and trolley cars, so that the authority under PUC No. 5071, as extended, will read in its entirety as follows:  
  
"Transportation of buildings generally (whole and dismantled), boxcars and trolley cars between points in the State of Colorado west of the Continental Divide, excluding any service in Grand County, Colorado."
4. Certain aspects of the evidence were conflicting and contradictory.
5. Protestant, William B. Nelson, doing business as "Nelson Transportation," does not supervise or otherwise participate in the operation of his authority and, in fact, allows the authority to be operated by one, Mr. Moorhead, who gets a percentage of the gross revenue from the operation of the authority.
6. Protestant, William B. Nelson, has other business interests.
7. Protestant does not have sufficient equipment or personnel to meet the public demand in the area.
8. The evidence presented in opposition to this application is too general, indefinite and uncertain, so as to cause a denial of the application on any grounds set forth by Protestant.

9. Applicant has duly and properly applied for this extension.
10. Applicant has sufficient equipment (see Exhibit No. 2), three years experience in related fields, and a net worth of \$122,400 (see Exhibit No. 3), all of which are ample and suitable for operation of the authority sought herein.
11. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has made adequate provision for insurance.
12. There is a present and special need for the service and the present and future public convenience and necessity requires or will require such service.
13. The wording in the authority having to do with "box cars and trolley cars" is surplusage in that box cars and trolley cars become a building when and if used for such, and to transport them as "box cars or trolley cars" is not contemplated in the operation of the authority.
14. For purposes of clarification and in the interests of regulation, as well as the operation of the authority, the authority should be redescribed as hereinafter set forth.
15. The granting of the authority as described below will be in the public interest and should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order granting the application of S. C. Thomas, doing business as "Thomas House Movers," and that the entire authority under PUC No. 5071 shall henceforth be described as follows:

"Transportation of buildings, generally (whole and dismantled) between points in the State of Colorado, west of the Continental Divide, excluding any service in Grand County."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

#### THE COMMISSION ORDERS:

That S. C. Thomas, doing business as "Thomas House Movers," 695 36 Road, Palisade, Colorado, be, and hereby is, authorized to extend operations under PUC No. 5071.

That henceforth the full and complete authority under PUC No. 5071 shall be as follows, to-wit:

"Transportation of buildings, generally (whole and dismantled) between points in the State of Colorado, west of the Continental Divide, excluding any service in Grand County."

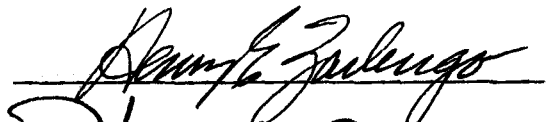
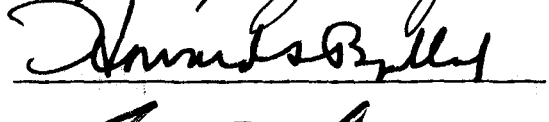

That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioner's

Dated at Denver, Colorado,  
this 10th day of January, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF LEONARD C. RICH, BOX 61, MACK, )  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PERMIT NO. B-5599 )  
AND NO. B-5599-I. )

APPLICATION NO. 22751-PP-Extension

-----

-----  
January 10, 1968  
-----

Appearances: Leonard C. Rich, Mack,  
Colorado, pro se;  
Lesley Estes, doing business  
as "Estes Trucking Company,"  
Rifle, Colorado, pro se, Protestant.

PROCEDURE AND RECORD

On August 1, 1967, Leonard C. Rich, Box 61, Mack, Colorado, filed the instant application (No. 22751-PP-Extension) for an extension of his present Class "B" permit to operate as a private carrier by motor vehicle for hire in intrastate commerce for the transportation of livestock for one customer only; viz., Christensen Bros., from points in Pitkin County to points in the State of Colorado. On August 17, 1967, temporary authority was granted by this Commission to so operate to Leonard C. Rich. On October 25, 1967, a protest was filed by Estes Trucking Company to the instant application.

On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the application was heard by said Examiner in the District Court Room, Court House, Grand Junction, Colorado, at 10:30 a.m. on November 13, 1967. On January 3, 1968, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner

establishes that Lesley Estes, doing business as "Estes Trucking Company," Rifle, Colorado, protested the granting of the authority sought herein.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds authority under Permit B-5599 & I, which provides generally for the transportation of livestock, and which is described in the Letter of Authority attached hereto.
2. Said authority is presently in good standing before the Commission.
3. Applicant has duly and properly applied for an extension to his Class "B" Permit for transportation of livestock for one customer only; viz., Christensen Bros., from points in Pitkin County to points in the State of Colorado.
4. Applicant has a 1957 Kenworth Truck and 4-deck Trailer, a 1962 GMC Tractor with 44-foot Trailer, three years of experience in related fields and a net worth of \$50,000, all of which are ample and suitable for operation of the authority sought herein.
5. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. There is no present or special need for the service as applied for, inasmuch as Pitkin County is adequately served by Protestant, Lesley Estes, doing business as "Estes Trucking Company," and further, the extension as applied for, is not compatible with the authority presently held by Applicant.
7. The proposed operation would impair the efficient public service of other authorized common carriers adequately serving the same territory over the same general route or routes.
8. For purposes of clarification, Applicant's existing authority under Permit No. B-5599 & I should be redrafted, as hereinafter set forth.
9. The application should be denied.

## CONCLUSIONS

That the Commission make and enter its Order denying the application for extension herein.

That the existing authority under Permit No. B-5599 & I shall henceforth read as follows:

- "1. Transportation of livestock, from point to point within a radius of twenty-five (25) miles of Grand Junction, Colorado, and from points within said twenty-five (25) mile radius, to and from all points in the State of Colorado; restricted, however, not to exceed twenty-seven (27) customers,
2. INTERSTATE: Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

## ORDER

### THE COMMISSION ORDERS:



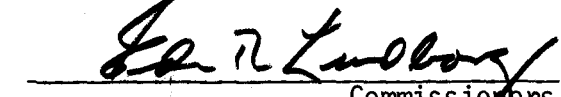
That Application No. 22751-PP-Extension be, and hereby is, denied.

That the existing authority under Permit No. B-5599 and Permit No. B-5599-I shall henceforth read as follows, to-wit:

- "1. Transportation of livestock, from point to point within a radius of twenty-five (25) miles of Grand Junction, Colorado, and from points within said twenty-five (25) mile radius, to and from all points in the State of Colorado; restricted, however, not to exceed twenty-seven (27) customers,
2. INTERSTATE: Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 10th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

MR. AND MRS. JIM KALANA, HAROLD O'DONNELL, )  
MR. AND MRS. SAM RENO, BARBARA JENKINS, )  
JEAN BUCHANAN, MRS. VIRGIL McPHERSON, MRS. )  
RON ZIMMERMAN, GENE H. CARPENTER, MR. AND )  
MRS. GARY STEPHENS, ALBERT FRED POTTBERG, )  
ELDRED M. ALEXANDER, JOSEPH E. KREBS, IRIS )  
M. HARLEY, MR. AND MRS. AL LUJAN, W. I. )  
LEARY, MILDRED J. JOHNSON, MR. AND MRS. )  
ARCH MacGOWAN, MR. AND MRS. J. L. STODDARD, )  
MR. AND MRS. TRAVIS D. SMITH, MR. AND MRS. )  
CLIFFORD L. MAGGARD, MR. AND MRS. IRVIN T. )  
NISSSEN, MR. AND MRS. CARL DUTTON, MR. AND )  
MRS. ROY M. CAIRNS, MR. AND MRS. MERLIN J. )  
MONTER, WINIFRED PAGE, MR. AND MRS. ENOS )  
ARCHULETA, MR. AND MRS. DOYLE E. BRADLEY, )  
MR. AND MRS. ROBERT ROSENBERGER, AND MR. )  
AND MRS. JOE I. VIGIL, )

CASE NO. 5353

Complainants,

vs.

THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH  
COMPANY,

Respondent.

-----  
January 11, 1968  
-----

Appearances: Henry Blickhahn, Esq., Attorney for  
Complainants, Alamosa, Colorado;  
Luis D. Rovira, Esq., of Akolt, Shepherd  
& Dick, Attorneys for Mountain States  
Telephone & Telegraph, Denver, Colorado;  
J. M. McNulty, Denver, Colorado, of the  
Staff of the Commission.

PROCEDURE AND RECORD

On September 29, 1967, certain customers of the Mountain States Telephone & Telegraph Company, who reside or have property located in the immediate vicinity of the subdivision commonly known as Mountain View Acres, located approximately four and one-half miles west of the city limits of Alamosa, Colorado, through their attorney, filed a complaint with this Commission alleging, inter alia, that the telephone service they received is inadequate and the rates charged therefor excessive,



and requesting that the Mountain States Telephone Company be required to extend additional service to the complainants at a reasonable rate.

The Commission, on October 2, 1967, issued its Order to Satisfy or Answer to the Mountain States Telephone and Telegraph Company allowing twenty days for reply to the complaint. Answer was timely filed by Mountain States, and a copy of said Answer was served on the attorney for the complainants.

The Commission set the complaint for hearing on November 30, 1967 at 9 a.m. in the District Court Room in the Courthouse at Alamosa, Colorado, with due notice to the interested parties. At the request of Mountain States, the hearing was postponed from November 30 to December 18, 1967 at the same time and place with the consent of the attorney for the complainants. On December 12, 1967 the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the complaint. After due and proper notice, the complaint was heard by said Examiner in the District Court Room, Courthouse, Alamosa, Colorado at 9 a.m. on December 18, 1967.

Sixteen witnesses testified on behalf of the complainants, the majority of whom live in the Mountain View Subdivision. Other of these witnesses reside in the general area or were concerned with the development of Mountain View Subdivision or an industrial park located near Mountain View Subdivision. All of the witnesses served by the facilities of Mountain States Telephone in Mountain View Park or adjacent thereto complained of the telephone service. The complaints in general fell into three categories; (1) the fact that most of the customers were on multi-party lines, usually with a total of eight customers per line; (2) that one- or two-party line service was not presently available; and (3) if it were available, it was too expensive.

The complaints having to do with multi-party line are typical of this type of service. It is quite understandable that a customer taking service on a multi-party line who is inconsiderate of his fellow customers makes this type of service difficult. If, as is the case in some instances, there are teenagers using the telephone, the telephone

service can become intolerable. Also, there is the problem of someone neglecting to replace the receiver, resulting in a busy signal.

Certain of the customers testified that good telephone service is so important to them that they would be willing to pay for one- or two-party service. Since Mountain View Subdivision is approximately three and one-half miles from the Alamosa base rate boundary, this type of service requires a mileage charge as well as the Alamosa base rate charge for the one- or two-party phone service. Others of the complainants felt that they should be able to obtain one- or two-party service at the same rates as Alamosa. At the present time there is one held order for an up-grade in service to a one-party line. There had been two held orders, but one customer has moved out of the area. Of the thirty-one customers who signed the complaint, one customer has a one-party line, three customers have two-party lines, and twenty-seven customers are on the multi-party service with either seven or eight customers on a line.

Witnesses on behalf of the phone company testified that graded service; i.e., one- or two-party lines, is not presently available in this area because of lack of equipment. The phone company will install new equipment to be available by approximately August 1, 1968. With the installation of this new equipment, some additional graded service will become available to this area. One telephone company witness also indicated that if additional customers wanted this type of service, they should make application now to the phone company so that proper equipment could be installed to make as many one- and two-party lines available as requested. This service would be offered under the existing rates of the telephone company. Where graded service is requested outside of the base rate area, a mileage charge applies in addition to the base rate charge for one- or two-party service. The present base rates of Mountain States for Alamosa on file with the Commission are as follows:

1-party residence service	\$4.70 per month
2-party residence service	3.80 per month

1-party business service \$8.45 per month

In addition to the above charges, a mileage charge applies as follows:

1-party residence or business phone \$0.85 per quarter-mile  
2-party residence phone 0.55 per quarter-mile

Assuming that fourteen quarter-miles are involved, since the Mountain View Subdivision is approximately 3½ miles west of the base rate area of Alamosa, the following charges would apply for graded service, before taxes:

14 quarter-miles x \$0.85 =	\$11.90
14 quarter-miles x \$0.55 =	7.70
1-party residence service	\$4.70 + \$11.90 = \$16.60 per month
2-party residence service	3.80 + 7.70 = 11.50 per month
1-party business phone	8.45 + 11.90 = 20.35 per month

The present multi-party rural rate is \$3.00 per month up to a radius of six miles and \$3.55 per month over six miles up to and including a ten-mile radius. The rural measuring point is the intersection of Fourth Street and State Avenue in Alamosa.

Another witness for the phone company testified that, if facilities were installed to provide one-party service to all of the customers in the Mountain View Subdivision, the company would have to invest an additional \$22,000 in plant and equipment. The annual charges based on this investment, as set forth on Exhibit B, would amount to \$5,716 per year, in order to make this investment economically feasible. If all of the subscribers took one-party service at the present rate, without the mileage charge, the annual revenue would amount to \$1,748.40. Presently the Mountain View subscribers total annual revenue amounts to \$1,558.80, which is \$189.60 less than the one-party rate for all subscribers. However, Exhibit B shows that the company should receive \$5,526.40 annual revenue to make the project feasible. In other words, if the company were to install this equipment and furnish one-party service at the present rates, without the mileage charges, it would fail to make its required revenue by an amount of \$3,778 per year.

There was also testimony in regard to the fact that the area outside of Alamosa, both in Mountain View Subdivision and in the Industrial Park Area, had a great potential for future growth. However, in analyzing past growth figures, it would appear that while the area is growing, it has not grown as fast as had been expected. Where an area contiguous to a base rate area has a rapid growth, the telephone company can provide a Suburban Rate Area. This type of service would be provided at the base rate plus a fixed charge which normally would be at 85¢ or 55¢ per month additional. It will be noted, however, that the Suburban Rate Area must be contiguous to the base rate area. Another type of service sometimes provided where a small community has a rapid growth is a Locality Rate Area. This need not be contiguous to the base rate area, but can be some distance from the base rate. However, there must be considerable development of urban type and the bulk of the calls would go to the base rate area or into the exchange area wherein the Locality Rate Area is located. The rate for the Locality again would be similar to the Suburban in that it would require the base rate plus a mileage charge.

In examining the evidence introduced at this hearing, it appears that neither the Suburban Rate Area nor the Locality Rate Area conditions prevail. This, then, would revert to the type of service offered by the phone company -- the base rate, plus mileage charges, if graded service is desired. While it is understandable that multi-party service in many instances is a poor service, much of this can be attributed to the use of the service by the customers. There was some complaint herein that involved outages not caused by multi-party use. It is anticipated that, with the installation of the new equipment to be installed by August of 1968, this problem will have been solved.

On January 5, 1968, said Examiner pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and

exhibits of the proceeding, together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that witnesses testified on behalf of the complainants herein, and witnesses also testified on behalf of the Respondent.

The Commission has now given careful consideration to the record of the proceeding, as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Mountain States Telephone & Telegraph Company is presently the only supplier of telephone service in the Mountain View Subdivision and the Industrial Park, all located west of Alamosa, Colorado.
2. The majority of customers presently served in these areas are on multi-party rural service on the prescribed rates as filed with this Commission.
3. The Mountain States Telephone & Telegraph Company plans to install additional equipment to serve these areas by August of 1968 to provide the type of service requested by the customers at rates as filed with the Commission.
4. It is not economically feasible to require the Mountain States Telephone & Telegraph Company to install facilities to provide graded service to all of the customers in these areas at presently filed Alamosa base rates.
5. To require such installation of facilities with service to be furnished at the existing rates would be discriminatory in that other customers similarly situated in other exchange areas would not be afforded a similar service.
6. Mountain States will conduct a survey of existing and potential customers in these areas to determine what type of service they desire by means of facilities to be installed by the Mountain States Company by August of 1968, with the understanding such service is to be furnished under the rates set forth in the tariff of Mountain States on file with this Commission, and that the customer sign a written request for said service.
7. The complaint should be dismissed.

#### CONCLUSIONS

1. That the Commission make and enter its Order requiring Mountain States Telephone and Telegraph Company to make

a survey of the areas of Mountain View Subdivision and the Industrial Park lying to the east thereof, of all present and known potential customers of the type of service they desire; this service to be furnished under the rates in the tariff of Mountain States Telephone & Telegraph Company on file with this Commission.

2. That the telephone company, as a result of this survey, provide the service by means of the facilities to be installed by August of 1968, with the understanding that the customer sign a written request for service at the time the survey is made.
3. That the complaint be dismissed.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto.

#### O R D E R

#### THE COMMISSION ORDERS:

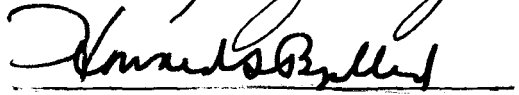
That the Mountain States Telephone & Telegraph Company be, and hereby is, ordered to make a survey of the areas of Mountain View Subdivision and the Industrial Park lying to the east thereof, of all present and known potential customers to determine the type of service they desire. This service to be furnished if the customer signs a written request at the time the survey is made under the rates set forth in the tariff of Mountain States Telephone & Telegraph Company on file with this Commission. That Mountain States Telephone & Telegraph Company as a result of this survey provide facilities to furnish the requested service by means of the facilities to be installed by August of 1968.

That the complaint be dismissed.

That this Order become effective twenty-one (21) days from  
date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 11th day of January, 1968  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE COPERATIONS )  
OF McKESSON & ROBBINS, INC., )  
8601 WEST DODGE ROAD, OMAHA, )  
NEBRASKA. )

PUC NO. 6646-I

-----  
January 11, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Commission has received a communication from the above-styled certificate-holder, requesting authority to change its corporate name from McKesson & Robbins, Inc. to Foremost-McKesson, Inc., in the conduct of operations under PUC No. 6646-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

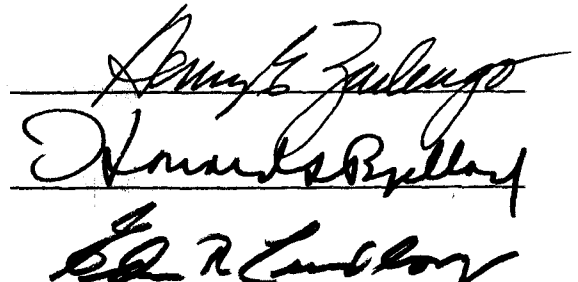
ORDER

THE COMMISSION ORDERS:

That McKesson & Robbins, Inc., Omaha, Nebraska, be, and hereby is, authorized to change its corporate name to Foremost-McKesson, Inc., in the conduct of operations under PUC No. 6646-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ERNEST KNOX AND VERN KNOX, DOING )  
BUSINESS AS "KNOX & SON," ROUTE 1, )  
BOX 70C, FORT MORGAN, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO KNOX & SONS, INC., )  
ROUTE 1, BOX 70C, FORT MORGAN, )  
COLORADO. )

PUC NO. 5560-I - Transfer

-----  
January 11, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Ernest Knox and Vern Knox, doing business as "Knox & Son," Fort Morgan, Colorado, were granted a certificate of public convenience and necessity, being PUC No. 5560-I, authorizing operation as a common carrier by motor vehicle for hire:

Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

Said certificate-holders now seek authority to transfer said PUC No. 5560-I to Knox & Sons, Inc., Fort Morgan, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R


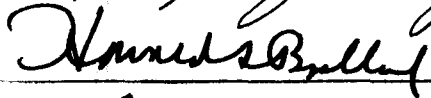

THE COMMISSION ORDERS:

That Ernest Knox and Vern Knox, doing business as "Knox & Son," Fort Morgan, Colorado, be, and they hereby are, authorized to transfer all their right, title and interest in and to PUC No. 5560-I -- with

authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Knox & Sons, Inc., Fort Morgan, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.  
1s

(Decision No. 70676)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF ROBERT HEATH, P. O. BOX 1001, )  
LUBBOCK, TEXAS, FOR AUTHORITY TO )  
TRANSFER PUC NO. 4497-I TO ROBERT )  
HEATH TRUCKING, INC., P. O. BOX )  
2501, LUBBOCK, TEXAS. )

PUC NO. 4497-I-Transfer

-----  
January 11, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Robert Heath, Lubbock, Texas, was granted a certificate of public convenience and necessity, being PUC No. 4497-I, authorizing operation as a common carrier by motor vehicle for hire:

- Between all points in Colorado and the
- Colorado state boundary lines where all
- highways cross same in interstate commerce,
- only, subject to the provisions of the
- Federal Motor Carrier Act of 1935, as amended.

Said certificate-holder now seeks authority to transfer said PUC No. 4497-I to Robert Heath Trucking, Inc., Lubbock, Texas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized as set forth in the Order following.

ORDER



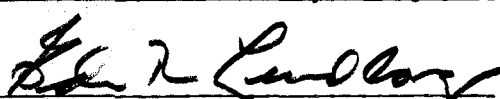
THE COMMISSION ORDERS:

That Robert Heath, Lubbock, Texas, be, and hereby is, authorized to transfer all his right, title and interest in and to PUC No. 4497-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Robert Heath Trucking, Inc., Lubbock, Texas, subject to encumbrances against said operating rights, if any approved

by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR CARRIER OPERATIONS OF PAUL )  
GOLEN AND DAVID TROXEL, DOING BUSI- )  
NESS AS "TROXEL TRANSPORTATION," ) PUC NO. 6945-I  
1210 SOUTH CHESTNUT, CASPER, WYOMING. )  
-----

-----  
January 11, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Commission has received a communication from the above-styled certificate-holders, requesting authority to do business under the trade name and style: Paul Golen and David Troxel, doing business as "Golen Wrecker Service," in lieu of: Paul Golen and David Troxel, doing business as "Troxel Transportation," in the conduct of operations under PUC No. 6945-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

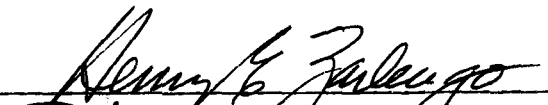

ORDER

THE COMMISSION ORDERS:

That Paul Golen and David Troxel, doing business as "Troxel Transportation," be, and hereby are, authorized to conduct operations under the trade name and style of Paul Golen and David Troxel, doing business as "Golen Wrecker Service," in the conduct of operations under PUC No. 6945-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.

(Decision No. 70678)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
JOE FRANK HARTLEY, JR., 2311 )  
SAGE, COLORADO SPRINGS, COLORADO.)

PERMIT NO. B-5462

-----  
January 11, 1968  
-----

The Commission has received a communication from Joe Frank Hartley, Jr. requesting authority to add the trade name of "Adens Coal and Wood Yard" in the conduct of operations under Permit No. B-5462.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

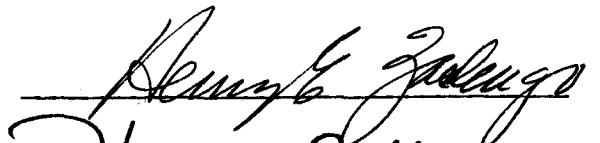
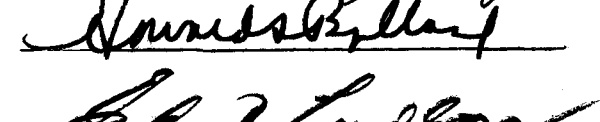

O R D E R

THE COMMISSION ORDERS:

That Joe Frank Hartley, Jr., be, and hereby is, authorized to conduct operations under the trade name and style of Joe Frank Hartley, Jr., doing business as "Adens Coal and Wood Yard," in the conduct of operations under Permit No. B-5462, and that the Secretary of the Commission, be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
OLIVER CLYNKE, DOING BUSINESS AS )  
"OLIVER CLYNCKE TRUCKING," ROUTE 1, )  
BOX 153, BOULDER, COLORADO. )

PUC NO. 2149 and PUC NO. 2149-I

-----  
January 11, 1968  
-----

The Commission has received a communication from the above-styled certificate-holder, requesting authority to do business under the trade name and style of Oliver J. Clyncke, doing business as "Oliver Clyncke Trucking," in the conduct of operations under PUC No. 2149 and PUC No. 2149-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

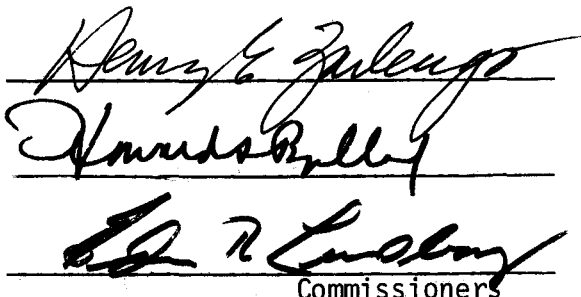
ORDER

THE COMMISSION ORDERS:

That Oliver Clyncke, doing business as "Oliver Clyncke Trucking," be, and hereby is, authorized to conduct operations under the trade name and style of Oliver J. Clyncke, doing business as "Oliver Clyncke Trucking," in the conduct of operations under PUC No. 2149 and PUC No. 2149-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF EMPIRE PASSENGER SERVICE, INC., )  
620 DEL NORTE, FOUNTAIN, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CON- )  
VENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
-----

APPLICATION NO. 22902

-----  
January 11, 1968  
-----

Appearances: Fuller and Evans, Esqs., Denver,  
Colorado, for Applicant;  
Louis Johnson, Esq., Colorado  
Springs, Colorado, for Colorado  
Springs Coach Company as their interests  
may appear but not as a Protestant.

PROCEDURE AND RECORD

On November 6, 1967, Empire Passenger Service, Inc., 620 Del Norte, Fountain, Colorado, filed the instant application (No. 22902) for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire for generally the scheduled direct passenger motor carrier service between the City of Colorado Springs, Colorado, and the Breckenridge Skiing area near Breckenridge, Colorado, as more fully set forth in the application. On November 28, 1967, a protest to the instant application was filed by Denver-Colorado Springs-Pueblo Motorway, Inc.

On November 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in Hearing Room "A" of the Commission, 534 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on December 11, 1967. On January 4, 1967, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2),



transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions. The record transmitted by the Hearing Examiner establishes that neither counsel for Protestant nor anyone on behalf of said Protestant appeared at the hearing.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant does not hold previously granted authority from this Commission.
2. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
3. Applicant corporation has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire as listed in this application, generally for scheduled direct passenger motor carrier service between the City of Colorado Springs, Colorado, and the Breckenridge Skiing area near Breckenridge, Colorado.
4. Applicant corporation will obtain necessary equipment as needs dictate, has had 11 years of experience in related fields, and has a net worth of \$22,450, all of which are ample and suitable for operation of the authority sought herein.
5. Applicant corporation is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations as well as the safety requirements of the Commission. Further, Applicant corporation has or will make adequate provision for insurance.
6. There is a present and special need for the service and the present or future public convenience and necessity requires or will require such service.
7. There is presently no scheduled service available and existing service is by charter only.
8. It is the desire of the Applicant corporation that the authority be automatically suspended during the non-skiing season.

9. The authority should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Empire Passenger Service, Inc., a Colorado corporation, to operate as a common carrier by motor vehicle for hire with authority to be designated as follows:

"Scheduled direct passenger service between the City of Colorado Springs and the Breckenridge ski area near Breckenridge, Colorado, utilizing therefor passenger buses and other appropriate automotive passenger vehicles, capable of carrying up to forty-one (41) persons and their personal baggage, including ski equipment, on Saturdays, Sundays and Holidays only, during the skiing season."

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### ORDER

##### THE COMMISSION ORDERS:

That Empire Passenger Service, Inc., 620 Del Norte, Fountain, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for

"Transportation of passengers and their baggage, on schedule, between the City of Colorado Springs, Colorado on the one hand and the Breckenridge ski area near Breckenridge, Colorado on the other.

Restricted to service on Saturdays, Sundays and Holidays during the ski season."

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

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

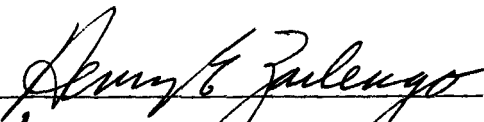
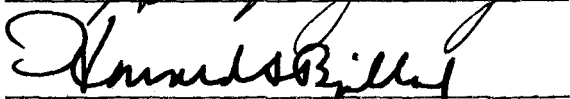

That Applicant shall operate its carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

That this Order is subject to compliance by Applicant with

all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
BROOKS & MAEKEL, INC., 702 4TH  
AVENUE, P. O. BOX 516, GREELEY,  
COLORADO.

\* \* \*

PERMIT NO. M-908

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zarlingo*  
*Harold Byler*  
*Ed R. Cuddeback*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
WILBERT D. PAYNE, KREMMLING,  
COLORADO 80459

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-8984

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1967.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zwick*  
*Donald Bentley*  
*Ed R. Lindsay*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF )  
H. PRICE CROLEY, NAPONEE, NEBRASKA. ) PERMIT NO. M-5170  
 )  
 )  
 )  
 )

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 2, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Zaleski*  
*Thomas R. Billant*  
*Ed Z. Cuddeback*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
CENTRAL GAS SERVICE, INC., 5805 WEST	)	
56TH AVENUE, ARVADA, COLORADO 80002	)	<u>PERMIT NO. M-5884</u>
	)	
	)	

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 29, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Amy E. Fairley*  
\_\_\_\_\_  
*Donald B. Miller*  
\_\_\_\_\_  
*Edwin C. Lindsay*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*
MIRACLE DRILLING CO., INC., P. O. BOX	)		
233, VERNAL, UTAH 84078	)		
	)		
	)		
	)		

PERMIT NO. M-15528

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 25, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
*[Handwritten Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
FOSTER LUMBER COMPANY, 2900 WALNUT	)	
STREET, BOULDER, COLORADO 80301	)	<u>PERMIT NO. M-7279</u>
	)	
	)	

-----  
January 12, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Zeilings*  
\_\_\_\_\_  
*Harold B. Bell*  
\_\_\_\_\_  
*Ed R. Ludlow*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF FOSTER LUMBER COMPANY, P. O. BOX 387, BROOMFIELD, COLORADO. 80020	* * * ) ) ) )	<u>PERMIT NO. M-7224</u>
---	---------------------------	--------------------------

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
 \_\_\_\_\_  
*[Handwritten Signature]*  
 \_\_\_\_\_  
*[Handwritten Signature]*  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
BRUSH, COLORADO 80723

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-1630

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zalesky*  
*Donald B. Kelly*  
*Ed R. Lathrop*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF )  
FOSTER LUMBER COMPANY )  
BURLINGTON, COLORADO 80807 ) PERMIT NO. M-15032

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Robert Zeigler*  
*Donald Bryll*  
*Ed R. Lullong*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY, 340 SCHOOL ST.,  
CRAIG, COLORADO 81626

\* \* \*

PERMIT NO. M-7287

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

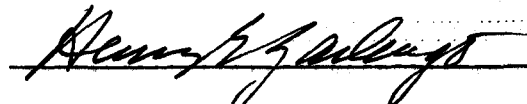


ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF )  
FOSTER LUMBER COMPANY )  
DILLON, COLORADO 80435 )

PERMIT NO. M-4924

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zuley*  
*James B. Kelly*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
FOSTER LUMBER COMPANY	)	
EADS, COLORADO 81036	)	<u>PERMIT NO. M-11556</u>
	)	

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF FOSTER LUMBER COMPANY, 610 MAIN STREET, FORT LUPTON, COLORADO 80621	* * * ) ) ) ) )	<u>PERMIT NO. M-4189</u>
---	--------------------------------	--------------------------

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Jennings*  
 \_\_\_\_\_  
*Donald B. Kelly*  
 \_\_\_\_\_  
*Ed R. Lindberg*  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
HIGHWAY 6  
GLENWOOD SPRINGS, COLORADO 81601

\* \* \*

PERMIT NO. M-6206

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Jenkins*  
\_\_\_\_\_  
*Donald B. Kelly*  
\_\_\_\_\_  
*Ed R. Culbertson*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF )  
FOSTER LUMBER COMPANY )  
GUNNISON, COLORADO 81230 ) PERMIT NO. M-6207

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry Spalding*  
*Donald R. Byler*  
*Ed R. Cuddeback*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
Is

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*	)	
FOSTER LUMBER COMPANY				)	
321 SOUTH COLORADO AVENUE				)	
HAXTUN, COLORADO 80731				)	<u>PERMIT NO. M-7008</u>

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Sam Yallings*  
\_\_\_\_\_  
*Donald B. ...*  
\_\_\_\_\_  
*E. R. ...*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
Is

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
HOLLY, COLORADO 81047

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-1656

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Fulem*  
*Donald B. Miller*  
*Ed R. Cullum*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
121 WALNUT,  
JULESBURG, COLORADO 80737

PERMIT NO. M-3197

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry C. Zaunert  
James S. Bellard  
Ed R. Ludlow  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*	)
FOSTER LUMBER COMPANY				)
KEENESBURG, COLORADO 80643				)
				)
				)

PERMIT NO. M-4188

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Gallego*  
\_\_\_\_\_  
*Thomas B. Kelly*  
\_\_\_\_\_  
*Ed R. Luchay*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
LIMON, COLORADO 80828

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-11096

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Gailoup*  
*Thomas Brillant*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
418 EAST FOURTH STREET  
LOVELAND, COLORADO 80537

\* \* \*  
)  
)  
)

PERMIT NO. M-7253

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Ziegler*  
*Donald J. Miller*  
*Ed R. Kelley*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
16 WEST MAIN  
MONTROSE, COLORADO 81401

\* \* \*  
)  
}  
}  
}

PERMIT NO. M-4186

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zalkow*  
*Donald B. Billard*  
*Ed. J. Luthery*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	}	
FOSTER LUMBER COMPANY	}	
112 WEST SECOND	}	PERMIT NO. <u>M-11696</u>
ORDWAY, COLORADO 81063	}	

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Gallardo*  
\_\_\_\_\_  
*Donald B. Miller*  
\_\_\_\_\_  
*Ed. R. Lundberg*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
RANGELY, COLORADO 81648

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-6208

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Galloway*  
*Donald B. Miller*  
*Ed R. Campbell*  
Commissioners

Dated at Denver, Colorado,  
this 12<sup>th</sup> day of January 1968  
Is

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
RIFLE, COLORADO 81650

\* \* \*  
)  
}  
}  
}  
}

PERMIT NO. M-6209

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Fullen*  
*James B. Bullard*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
FOSTER LUMBER COMPANY  
200 G STREET  
SALIDA, COLORADO 81201

\* \* \*  
}  
}  
}  
}

PERMIT NO. M-4187

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

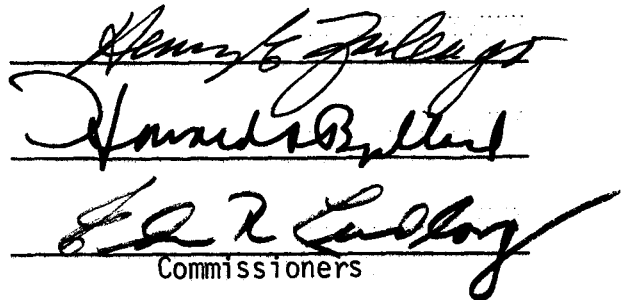
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*	*	*	)	
FOSTER LUMBER COMPANY				)	
STRATTON, COLORADO 80836				)	<u>PERMIT NO. M-6205</u>

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin G. Zeleny*  
\_\_\_\_\_  
*Donald B. Britton*  
\_\_\_\_\_  
*Ed R. Lusk*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
Is



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
FOSTER LUMBER COMPANY	)	
P. O. BOX 68	)	<u>PERMIT NO. M-11316</u>
WIGGINS, COLORADO 80654	)	

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin B. Zaden*  
\_\_\_\_\_  
*Harold B. Butler*  
\_\_\_\_\_

*Ed Z. Ludlow*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *	)
FOSTER LUMBER COMPANY		)
600 MAIN		)
WINDSOR, COLORADO 80550		)

PERMIT NO. M-7305

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry B. Zuluaga*  
\_\_\_\_\_  
*Howard Brillant*  
\_\_\_\_\_  
*Ed R. Lamborn*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *	)
FOSTER LUMBER COMPANY		)
YUMA, COLORADO 80759		)
		)
		)
		)

PERMIT NO. M-6210

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 21, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Zullengo*  
\_\_\_\_\_  
*Howard S. Bellon*  
\_\_\_\_\_  
*Ed R. Lumborg*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
National Alfalfa Dehydrating )  
& Milling Company )  
Lamar, Colorado 81052 )

AUTHORITY NO. M-4544

CASE NO. 2529-M-Ins.

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Samuel G. Zullinger*  
*Donald B. Miller*  
*John R. Luby*  
Commissioners

Dated at Denver, Colorado, this  
12th day of January 1968 .

(Decision No. 70714)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE ISSUANCE OF TEMPORARY )  
CERTIFICATES OF PUBLIC CONVENIENCE )  
AND NECESSITY UNDER CHAPTER 115-9-4 )  
(2) CRS 1963, FOR THE TEMPORARY OR )  
SEASONAL MOVEMENT OF CORN, SMALL )  
GRAINS AND ENSILAGE. )  
-----

APPLICATION NO. 22999  
EMERGENCY DISTRICT 1-68

-----  
January 11, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Supervisor, Enforcement Division of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of corn, small grains and ensilage in the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma, Colorado.

Request, pursuant to the above, has been made for an Order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, small grains and ensilage in the Counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, small grains and ensilage in the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld and Yuma, Colorado, and that the present or future public convenience and necessity requires, or will require, the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of trans-

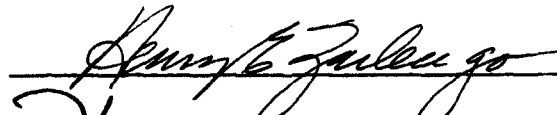
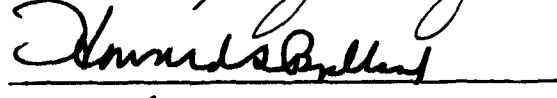

porting said commodities, as provided by Chapter 115, Article 9, Section 4 (2), CRS 1963, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates of public convenience and necessity be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, small grains and ensilage in only the Counties of Adams, Arapahoe, Baca, Bent, Cheyenne, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Logan, Mesa, Montrose, Morgan, Otero, Phillips, Prowers, Pueblo, Sedgwick, Washington, Weld, and Yuma, State of Colorado; provided, however, that said certificates shall be effective for only a period of ninety (90) days, commencing January 1, 1968.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 11th day of January, 1968  
et

(Decision No. 70715)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
J. A. ROSE, 618 PARTEE DRIVE, GRAND )  
JUNCTION, COLORADO, FOR A CERTIFICATE) APPLICATION NO. 22894-Extension  
OF PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 5924. )  
-----

-----  
January 12, 1968  
-----

STATEMENT AND FINDINGS OF FACT

By the above-style application, Applicant herein sought a certificate of public convenience and necessity authorizing extension of operations under PUC No. 5924 with respect to territory only, so as to authorize commodities (Mercer Description) between points in Mesa County, Colorado, on the one hand, and on the other hand, points in Colorado.

Said application was regularly set for hearing before the Commission at 10 a.m. on January 24, 1968, at the Court House, Grand Junction, Colorado.

The Commission has now been advised by John P. Thompson, Attorney for Applicant, that Applicant no longer desires authority herein sought and requests that said application be dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

O R D E R


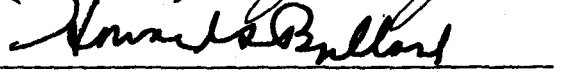

THE COMMISSION ORDERS:

That hearing on Application No. 22894-Extension, presently set for January 24, 1968, at Grand Junction, Colorado, be, and the same hereby is, vacated.

That Application No. 22894-Extension be, and the same hereby is, dismissed upon request of the Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 12th day of January, 1968.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	*)	
	*)	
BROOKS & NAEKEL, INC.	*)	
702-4TH AVENUE	*)	
P. O. BOX 516	*)	
GREELEY, COLORADO 80631	*)	<u>PUC 7015-I</u>

-----  
January 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin G. Baileys*  
\_\_\_\_\_  
*Harold Bentley*  
\_\_\_\_\_  
*Ed R. Lindsay*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
EUEL T. ALLEN dba )  
EUEL T. ALLEN, LOGGING )  
Box 752 )  
STEAMBOAT SPRINGS, COLORADO )

PERMIT NO. B-7053

-----  
January 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

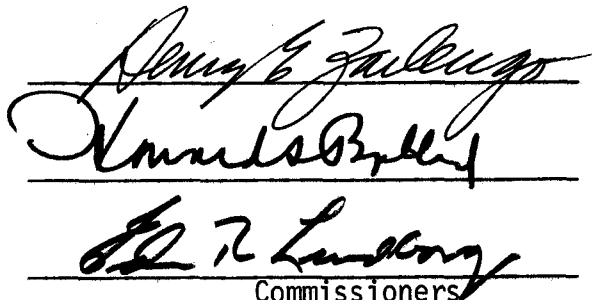
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 30, 1967 to and including June 30, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
ROBERT B. HUNTER )  
4400 SOUTH PENNSYLVANIA STREET )  
ENGLEWOOD, COLORADO 80110 )

PERMIT NO. B-5345

-----

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

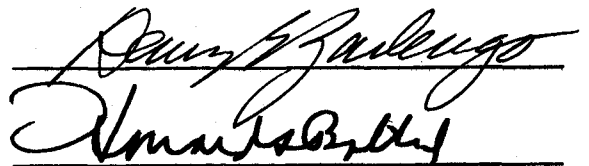
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 15, 1968 to and including July 15, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January

1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

ALFRED HURTADO )  
3314 GILPIN STREET, )  
DENVER, COLORADO 80205 )

PERMIT NO. B-4314

-----

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 31, 1968 to and including July 31, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Alvin E. Zedler  
Howard Byler  
Ed R. Ludlow  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ELMER, AUGUST, FRED AND )  
ERNEST BRUHN DBA )  
ELMER BRUHN AND SONS )  
P.O. Box 38 )  
Logan, New Mexico 88426 )

AUTHORITY NO. M 1984  
CASE NO. 2518-M-Ins.

-----  
January 16, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

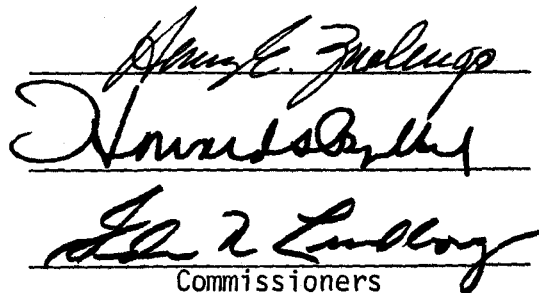
O R D E R

THE COMMISSION ORDERS:

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

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado, this  
16th day of January, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ELMER, AUGUST, ERNEST AND )  
FRED BRUHN DBA )  
ELMER BRUHN AND SONS )  
P.O. Box 38 )  
Logan, New Mexico 88426 )

AUTHORITY NO. PUC 2534-I

CASE NO. 825-H-Ins.

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.


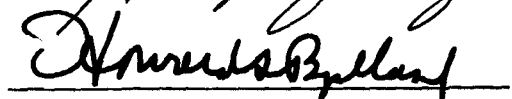

O R D E R

THE COMMISSION ORDERS:

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

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
15th day of January, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
HELEN BINDER, DOING BUSINESS AS	)	
"FARMERS EQUIPMENT CENTER," 9481	)	<u>PERMIT NO. M-10971</u>
HIGHWAY 85, HENDERSON, COLORADO 80640	)	
	)	

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Zalusko*  
\_\_\_\_\_  
*Wm. B. ...*  
\_\_\_\_\_  
*Ed. R. ...*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
THOMAS R. CAVANAUGH, P. O. BOX 162,  
MORRISON, COLORADO. 80465

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-10393

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 8, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Zuckerman*  
*Donald S. Butler*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
Is



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
H. O. RINEARSON, RURAL ROUTE NO. 3,  
GREELEY, COLORADO 80630

PERMIT NO. M-4859

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

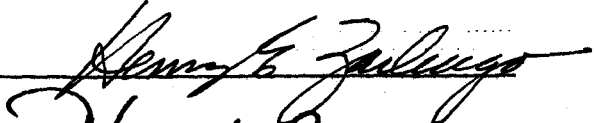
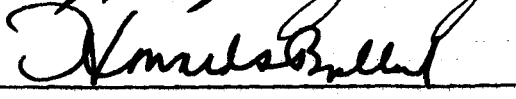

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 9, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
CASEY H. ELLETT, ROUTE 4, BOX 246L,  
FORT COLLINS, COLORADO 80521

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-11504

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

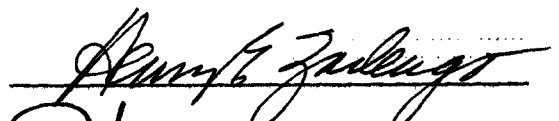
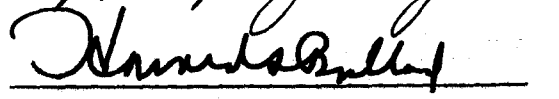

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
15

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
CHARLES F. STIRN, 727 EAST 46TH AVENUE,  
DENVER, COLORADO 80216

PERMIT NO. M-9678

JANUARY 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Handwritten Signature]*  
*[Handwritten Signature]*  
*[Handwritten Signature]*  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF LOUIS J. KARZEN AND RICHARD S. GURVEY, DOING BUSINESS AS "ATLAS PIANO COMPANY," 4332 W. MADISON STREET, CHICAGO, ILLINOIS. 60624	* * * ) ) ) ) )	<u>PERMIT NO. M-2378</u>
--	--------------------------------	--------------------------

-----  
January 15, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 10, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Zalesky*  
 \_\_\_\_\_  
*Donald B. Miller*  
 \_\_\_\_\_  
*Ed R. Lundberg*  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 15th day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE EXTENDED DELIVERY BEYOND )  
THE NORMAL LIMITS OF A CITY )  
AND THE BROADENING DESCRIPTION )  
APPLICABLE TO FRUIT TARTS )  
-----

CASE No. 1585

-----  
January 17, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 20, 1967, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed revised pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 6, as set forth in Appendix "A" attached hereto, scheduled to become effective January 27, 1968.

In support of these changes, the Commission is in receipt of communications dated October 27, 1967, by Wally Fletchinger, General Traffic Manager, Rio Grande Motor Way, Inc., and November 21, 1967, by James A. Meade, Manager Motor Carrier Rates, General Foods Corporation.

Mr. Fletchinger states in conjunction with changes in Item No. 860, that: --

"The present wording allows the charges in Item 860 to apply only to shipments delivered to job site locations beyond the normal pickup or delivery limits; however, we have found that on some shipments consigned to contractors or construction companies, billed to a specific city or town but where delivery is requested to a field office or to a ground storage location near the job site but not at the job site. The present provisions in the item do not allow an extended delivery service to field offices or to storage locations other than at the job site itself.

"Also, shipments are handled where the destination is shown as a specific city or town but where the actual location of the consignee may be an undesignated area outside of the city limits or boundary lines of a town. This may be a place of business, a place of residence, a farm or ranch or other type of dwelling and usually is in a rural area, off route from a highway normally traveled by a carrier. When

a consignee declines to make arrangements to pick up a shipment at a carrier's dock because of size or weight of the shipment, or other reasons, when the carrier must make delivery. Reconsignment charges cannot be assessed because neither the address of the consignee nor the destination of the shipment has been changed and the billed destination shown is usually the post office address of the consignee. Therefore, since a carrier must deliver beyond the normal pickup and delivery limits, it is believed that an additional charge should be assessed for such extended or off-route delivery."

Mr. James A. Meade, in support of changes in Item No. 1807, states, that: --

"In addition to producing tarts with fruit filling, trade name of which is "Toast 'Em Pop Ups," General Foods Corporation will be producing tarts with other than fruit filling, such as cocoa paste, sugar spice, cinnamon, etc.

"At the present time, the description of "Fruit Tarts, baked" appears in Item 1807 of Tariff 12-A. This item covers truckload movements of our products from Denver.

"We would appreciate your arranging for the elimination of the word "Fruit" from the above description, leaving it as "Tarts, baked" so that it would cover both fruit filled and other than fruit filled tarts.

"The density of our fruit tarts was originally 19 lbs., per cubic foot but is now about 21 lbs., per cubic foot. The density of our tarts with other than fruit filling is the same as the fruit tarts. Transportation characteristics of the other than fruit filled tarts are the same as the fruit tarts, that is, density, packaging, value, etc.

"The addition of other than fruit filled tarts to our line of products is expected to result in an increase in tonnage for the motor carriers serving our distribution centers. To some extent, these Toaster Foods are beginning to replace low density Cereal Food Preparations as a breakfast item in many households."

Since the changes as proposed by the Revised Page No. 89-A, Item 860, and 14th Revised Page No. 207-B, Item 1807, Appendix "A" attached hereto, appear to represent just, fair and reasonable changes, the Commission states and finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) (a) of the Commission's Rules of Practice and Procedure.

#### ORDER

#### THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and hereby are, made a part hereof.

2. That the changes as set forth in Appendix "A", attached hereto, shall be the prescribed rates, rules and regulations of the Commission.

3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish or cause to be published tariffs reflecting the changes prescribed herein.

4. That all private carriers by motor vehicle, to the extent they are affected by the changes involved herein, shall publish or cause to be published, rates, rules, regulations and provisions which shall not be less than those herein prescribed for motor vehicle common carriers.

5. That on and after January 27, 1968, all affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed, provided that call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) per cent.

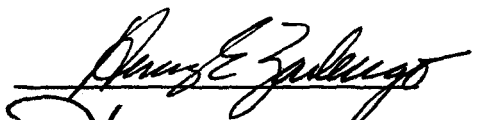
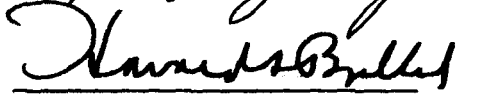
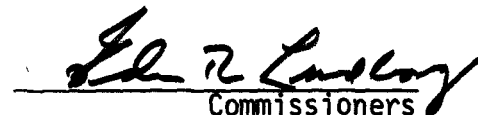
6. That on and after January 27, 1968, all private carriers by motor vehicle operating in competition with any motor vehicle common carrier affected by this order, shall cease and desist from demanding, charging and collecting rates and charges which shall be less than those herein prescribed, provided that Class "B" private carriers shall be subject to the penalty rule of twenty (20) per cent.

7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

9. That this order shall become effective forthwith.
10. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
17th day of January, 1968. av



APPENDIX "A"

Colorado Motor Carriers' Association, Agent  
Local and Joint Freight Tariff No. 12-A  
Colorado PUC No. 11\*

(\*The Motor Truck Common Carriers' Association, Agent, Series)

Effective January 27, 1968

RULES AND REGULATIONS

Item  
No. Application

7th Revised Page No. 89-A

EXTENDED DELIVERY:

Applies on all shipments for which this tariff provides line haul rates consigned to contractors or others at post office addresses within a specific city or town which, at the request of the consignor or consignee, are to be delivered to job sites, (A) field office or other off-route locations beyond the normal pick-up or delivery limits.

860 Such shipments will be charged for at the rate applicable to the city or town plus the following charges:

Distance	Rates in cents per 100 pounds		
	Pounds		
	0 to 9,999	10,000 to 19,999	20,000 or over
0 to 5 miles	25	18	11
Over 5 to 10 miles	27	20	13
Over 10 to 15 miles	29	22	15
Over 15 to 25 miles	34	25	17

Minimum additional charge (A) \$1.58 per shipment.

Distances to be used in assessing rates provided in this item will be those determined by use of Section No. 4 of this tariff.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
AIR TRAINING CENTER, INC., P. O. )  
BOX 287, GREELEY, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. AC-41 )  
TO MARTIN AVIATION, INC., ROUTE 4, )  
BOX 173M, GREELEY, COLORADO. )  
-----

APPLICATION NO. 22950-Transfer

-----  
January 16, 1968  
-----

Appearances: Ernest L. Martin, Greeley, Colorado,  
for Transferor and Transferee;  
Raymond Wilson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 4, 1967, the above-entitled application was filed requesting authority to transfer certificate PUC No. AC-41.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

### EXAMINER FINDINGS OF FACT

1. Transferor herein, Air Training Center, Inc., is the present owner and operator of PUC No. AC-41, which has been continuously operated in the past and which presently is in good standing before the Commission. The authority under said Certificate is described as follows:

"Transportation, by airplane, of passengers and property, on call and demand, originating or terminating at the Weld County Municipal Airport, situate near Greeley, Colorado, to and from points within the State of Colorado.

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

Tariffs and rates filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."

2. Transferee herein, Martin Aviation, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
3. Transferee, Martin Aviation, Inc., does not hold previously granted authority from this Commission.
4. The parties have entered into an Agreement for the transfer of PUC No. AC-41 and, pursuant to said Agreement, the consideration for the transfer is \$1,250, and the Certificate is free and clear of any debts, encumbrances or obligations.
5. Transferee has ample equipment (Exhibit No. 4), hangar and maintenance facilities, financial resources (Exhibits No. 2 & 3), and operating experience, all of which are ample and suitable for operation of the authority sought herein.
6. The chief corporate officers, as well as other employees of the company are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission, and has or will make adequate provision for insurance.
7. The Applicant has air-taxi authority from the Federal Aviation Agency and is, therefore, authorized by said agency to render the type of service which it now seeks to render intrastate in the State of Colorado.
8. If this transfer is approved, Transferee intends to and will engage in bona fide aircraft carrier operations under the operating rights set forth herein.

9. There will be no duplication of operating rights involved herein.
10. The transfer is compatible with the public interest and should be granted.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Air Training Center, Inc., Transferor, to transfer all right, title and interest in and to Certificate No. AC-41 to Martin Aviation, Inc., a Colorado corporation.

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

#### ORDER

##### THE COMMISSION ORDERS:

That Air Training Center, Inc., be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. AC-41, to Martin Aviation, Inc., subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. AC-41 shall read and be as follows, to-wit:

"Transportation by airplane of passengers and property, on call and demand, originating or terminating at the Weld County Municipal Airport, situate near Greeley, Colorado, to and from points within the State of Colorado.

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

Tariffs and rates filed for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith."

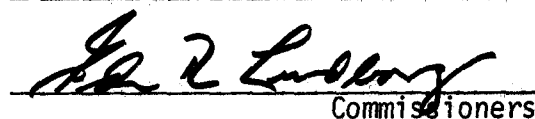
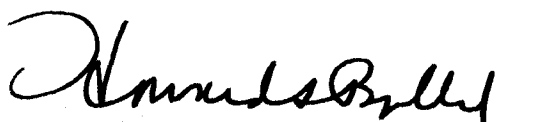
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HENRY E. ZARLENGO  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 16th day of January, 1968.

1s

(Decision No. 70730)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
A. L. ATWOOD, ROUTE 1, FORT MORGAN, )  
COLORADO, UNDER PERMIT NO. B-821. )  
-----

CASE NO. 5360  
ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

-----  
January 16, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Permit No. B-821, which authorizes said Respondent to conduct certain operations as a private carrier by motor vehicle for hire for the following, to-wit:

"Transportation of freight between points in the State of Colorado; restricted to conduct business from an office at Fort Morgan, Colorado, only."

The Staff of The Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of Respondent, A. L. Atwood under Permit No. B-821. Said investigation discloses that the Respondent has engaged in transportation practices in violation of the Public Utility Law, the Rules and Regulations of the Commission and the public policy of the State of Colorado in the following respect, to-wit:

By leasing equipment and employing drivers with compensation on a percentage basis dependent on gross receipts per trip contrary to Rule 12 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what Order or penalty, if any, should be made or imposed by the Commission.

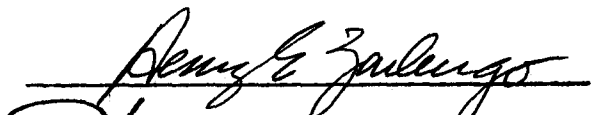
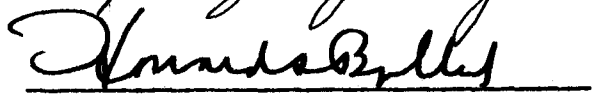

O R D E R

THE COMMISSION ORDERS:

That this Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado at 10 a.m. on March 14, 1968, and that March 15, 1968, be reserved on the calendar of the Commission in the event an additional hearing day is required, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That Respondent, A. L. Atwood, be, and hereby is, directed to appear before the Commission on March 14, 1968, as specifically set forth above, to show cause why the Commission should not take such action and enter such Order or penalty as may be appropriate, including, but not limited to, a cease and desist Order, or, if warranted, an Order cancelling and revoking Permit No. B-821 of the Respondent.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 16th day of January, 1968.

1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Disposal Service Company Inc. )  
P. O. Box 1218 )  
Boulder, Colorado 80302 )

AUTHORITY NO. M 2386  
CASE NO. 2521-M-Ins.

-----  
January 17, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

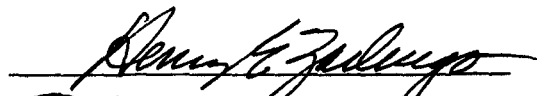
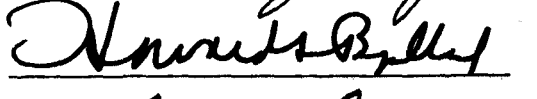

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
17th day of January 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
ELBERT TRANSFER CO., A COLORADO )	
CORPORATION, BOX 574, ELBERT, )	<u>APPLICATION NO. 22754-Extension</u>
COLORADO, FOR AUTHORITY TO EXTEND )	
OPERATIONS UNDER PUC NO. 322. )	
----- )	

-----  
January 15, 1968  
-----

Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicant;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Weicker Transfer  
& Storage Company, Protestant;  
Edward T. Lyons, Jr., Esq., Denver,  
Colorado, for Red Ball Motor  
Freight, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 18, 1967, the Commission entered Decision No. 70555 in the above-entitled matter.

On January 9, 1968, "Petition for Rehearing," was filed with the Commission by Weicker Transfer & Storage Company, by Joseph F. Nigro, Attorney. Also, on January 9, 1968, a Petition to re-open the above-entitled cause for the taking of additional evidence or for the purpose of rehearing was filed with the Commission by Cowen Transfer & Storage Co., Dalby Transfer & Storage, Daniels Moving & Storage and McCann Bros. by Joseph F. Nigro, Attorney.

The Commission has carefully considered said Petitions filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petitions should be denied.

O R D E R

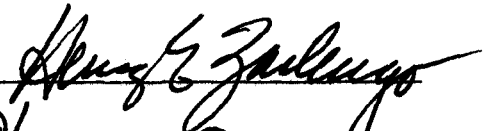
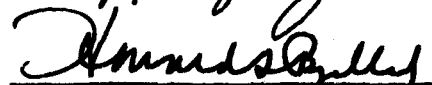

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission by Weicker Transfer & Storage Company, and Petition filed with the Commission

by Cowen Transfer & Storage Co., Dalby Transfer & Storage, Daniels Moving & Storage, and McCann Bros. be, and the same hereby are, denied.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1968.  
sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
FRANK J. GALLEGOS )  
313 DAVIS STREET )  
MONTE VISTA, COLORADO 81144 )  
----- )

PERMIT NO. B-5947

-----  
January 17, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the Commission authorized the above-named carrier to suspend operations under the above-entitled authority.

The Commission is now in receipt of a communication from the above-named carrier requesting that said authority be reinstated.

The Commission finds that the request should be granted.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of January 3, 1968.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 17th day of January 1968  
s1



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Arthur Nalick Wholesale Meat & )  
Food Products Co. Inc. dba )  
A N Food Products Company )  
2138 Woodson Road )  
St. Louis, Missouri 63114 )

AUTHORITY NO. M-836  
CASE NO. 2474-M-Ins.

-----  
January 19, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.


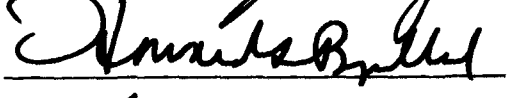

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
19th day of January 1968 .

(Decision No. 70736)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF BLUE BARREL DISPOSAL, INC., )  
9642 WEST 63RD PLACE, ARVADA, COLO- )  
RADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 22713-PP

-----

-----  
January 19, 1968  
-----

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant herein sought authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ashes, trash, and refuse from Alpine Village Inn, Andy's Smorgasbord, The Pizza Oven, Manikee Apartments, and Bob's Conoco Station, all located in Denver, Colorado, to authorized dumps and disposal places in Arapahoe and Denver Counties, State of Colorado.

Said application was regularly set for hearing before the Commission on September 11, 1967, at Denver, Colorado.

On September 8, 1967, the Commission entered Decision No. 70059, vacating said hearing date and continuing said application to be reset for hearing at a later date to be determined by the Commission upon receipt of an amended application.

Since that time, said matter has been held in abeyance by the Commission, and no amended application has been received.

As the Commission is desirous of closing its docket on long pending matters, the Commission states and finds that unless an amended application and written request for setting of the above-entitled matter for hearing shall be received by the Commission before the effective date of this Order, the above-styled application should be dismissed for want of prosecution.



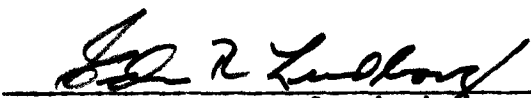
O R D E R

THE COMMISSION ORDERS:

That the Application herein filed be, and hereby is, dismissed, unless amended application and written request for hearing shall be received by the Commission before the effective date of this Order.

This Order shall become effective thirty (30) days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 19th day of January, 1968.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LAURA C. ZIMMERMAN, DOING BUSINESS AS )  
"ZIMMERMAN TRUCK LINES," 949 DONELAN, )  
BURLINGTON, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 961 AND PUC NO. )  
961-I TO LINK TRUCK LINES, INC., )  
GENOA, COLORADO. )

APPLICATION NO. 22419-Transfer  
SUPPLEMENTAL ORDER

-----  
January 19, 1968  
-----

Appearances: Laura C. Zimmerman, Burlington,  
Colorado, pro se;  
Frank T. Link, Genoa, Colorado,  
for Transferee;  
Edward C. Hastings, Esq., Denver,  
Colorado, for Denver-Limon-Burlington  
Transfer Company, Protestant.

STATEMENT AND FINDINGS OF FACT

On April 17, 1967, the Commission entered Decision No. 69317 in the above-styled application, authorizing the transfer of PUC No. 961 and PUC No. 961-I.

It now appears that the Commission through inadvertence, in certain respects, incorrectly restated and set forth the full and complete authority under said PUC No. 961 and PUC No. 961-I.

In view of the above and foregoing, the Commission states and finds that Decision No. 69317 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 69317 be, and the same hereby is, amended, nunc pro tunc, as of April 17, 1967, by striking therefrom the third paragraph of the Order therein contained and the entire authority under PUC No. 961 and PUC No. 961-I, appearing on page 3 of the Order thereof, and inserting in lieu thereof the following:

"That henceforth the full and complete authority under PUC No. 961 and PUC No. 961-I shall be as follows, to-wit:

Transportation of general commodities, with a load limit of 30,000 pounds and further restricted against the use of tank vehicles, from point to point, in the following-described area:

From Burlington thirty-five (35) miles north; west to a point five (5) miles west of Stratton, Colorado; south to a point two (2) miles south of the Kit Carson County Line; and east along a line parallel to the County Line to the Colorado-Kansas State Line; and from said points, to and from, from and to points in the State of Colorado.

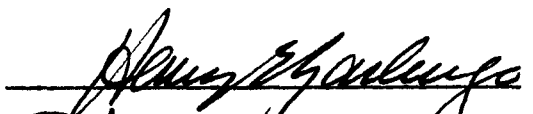


The restrictions against the use of tank trucks, and a load limit of 30,000 pounds shall not apply to the transportation of:

1. Farm products, including livestock;
2. Farm supplies;
3. Farm equipment;
4. Used household goods;
5. Petroleum products and elevator products from Denver to the above-described area.

Interstate Authority: Between all points in Colorado and the Colorado State boundary line where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

That, except as herein amended, Decision No. 69317 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 19th day of January, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
ROBERT G. FEIT, ROUTE 1, BOX 98,	)	
GREELEY, COLORADO 80630	)	<u>PERMIT NO. B-6916</u>
	)	
	)	

-----  
January 19, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 17, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
*[Signature]*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 19th day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
TRANS CENTRAL AIRLINES, INC., A )  
COLORADO CORPORATION, LAS ANIMAS )  
COUNTY AIRPORT, TRINIDAD, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVEN- )  
IENCE AND NECESSITY TO OPERATE AS A )  
COMMON CARRIER BY AIRPLANE. )  
-----

APPLICATION NO. 22924

-----  
January 23, 1968  
-----

Appearances: Bruce Ownbey, Esq., Denver,  
Colorado, for Applicant;  
Raymond Wilson, Denver,  
Colorado, of the Staff of  
the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 15, 1967, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by airplane for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

Matters which were considered by the Examiner, prior to the taking of evidence on the application, have been submitted to the

Commission in the following exact manner, to-wit:

A letter of protest had been filed with the Commission by Atlas Aviation, Inc., by and through their attorney, Joseph F. Nigro, Denver, Colorado; however, on the day prior to the hearing, a restrictive amendment was agreed to by the parties, which amendment was accepted and Protestant withdrew its protest. Said amendment is as follows:

"Restricted against the establishment of an office or the placing of an agent for the solicitation of business or the stationing of equipment at any airport other than in Las Animas County."

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

1. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has duly and properly applied for a Certificate of Public Convenience and Necessity to operate as a common carrier by airplane for the transportation of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with a base of operation at the Las Animas County Airport, Trinidad, Colorado.
4. Applicant has a 4-passenger Piper PA22 1958 airplane (Exhibit No. 2), thirty years of experience in this field, and a net worth of \$108,000 (Exhibit No. 1), all of which are ample and suitable for operation of the authority sought herein.
5. The chief corporate officers, as well as other employees of the company, are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
6. Applicant operates an interstate scheduled service, as well as back-up service for Aspen Airways, out of its Denver office. Applicant presently has no other intra-state authority, either in its own name or by way of lease, and its former lease with Clinton Aviation Co. expired December 15, 1967.
7. Above and beyond the restriction agreed upon, as set forth above, the authority as requested should be further specifically restricted in the manner as set forth under "Conclusions" below.

8. There is a present and special need for the proposed service and the present or future public convenience and necessity requires or will require such service, as restricted.
9. The authority, as described under "Conclusions" below, should be granted.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing the Applicant, Trans Central Airlines, Inc., a Colorado corporation, to operate as a common carrier by airplane, for the following:

"Transportation, by airplane, of persons and property, not on schedule, but on call and demand, from, to and between all points in the State of Colorado, with a base of operation at the Las Animas County Airport, Trinidad, Colorado, subject, however, to the following restrictions:

- (1) Against the establishment of an office or the placing of an agent for the solicitation of business in any place other than the Las Animas County Airport or within a 10-mile radius thereof;
- (2) Against the stationing of equipment at any airport other than in Las Animas County and specifically restricted against the utilization of a Denver office for any purpose whatsoever to conduct operations under this authority;
- (3) In case a charter trip is requested by the customer originating at Denver or other points within the State, a ferry charge in accordance with the tariff on file with this Commission will be charged from the base of operations (Trinidad) to the point of emplaning of passengers and from point of deplaning passengers back to the home base even though the aircraft to be used may happen to be in Denver.
- (4) Intrastate charters originating and terminating at two different points served by an authorized air carrier along or paralleling its route, shall be charged on a per seat basis of at least 120% of the published fare of the said scheduled air carrier."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Trans Central Airlines, Inc., a Colorado corporation, be, and hereby is, authorized to operate as a common carrier by airplane for hire as follows, to-wit:

"Transportation by airplane of persons and property, not on schedule but on call and demand, to and from the Las Animas County Airport, Trinidad, Colorado, from and to all points in the State of Colorado, subject, however, to the following restrictions:

- (1) Against the establishment of an office or the placing of an agent for the solicitation or development of business in any place other than the Las Animas County Airport, Trinidad, Colorado or within a 10-mile radius thereof;
- (2) Against the stationing of any equipment at any airport other than The Las Animas County Airport, Trinidad, Colorado, and specifically restricted against the utilization of a Denver office for any purpose whatsoever in the conduct of operations hereunder;
- (3) All transportation to be rendered hereunder shall either originate or terminate at the Las Animas County Airport, Trinidad, Colorado;"

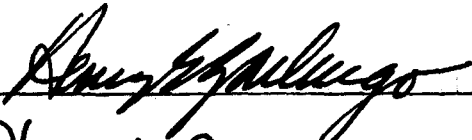
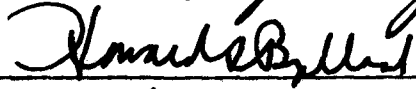

and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by, this Commission.

The Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January, 1968.  
ls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
BRUCE LITTLE AND LAWRENCE E. SIVILL,  
6125 NORTH WASHINGTON STREET,  
DENVER, COLORADO 80216.

PERMIT NO. M-2815

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 16, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Gault*  
*Donald B. ...*  
*Edw. R. Lusby*  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*  
RE: MOTOR VEHICLE OPERATIONS OF )  
CARPER BROTHERS DENTAL LABORATORY, INC., )  
1401 SPEER BOULEVARD, P.O. BOX 4007, )  
DENVER, COLORADO 80204 . )

PERMIT NO. B-6352

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry B. Gaskins*  
*Donald B. Bell*  
*Ed R. Lindsey*  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF BRUCE LITTLE AND LAWRENCE E. SIVILL, 6125 NORTH WASHINGTON STREET, DENVER, COLORADO 80216	* * * ) ) ) ) )	<u>PERMIT NO. B-6783</u>
--	--------------------------------	--------------------------

-----

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 16, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. ...*  
 \_\_\_\_\_  
*Howard B. ...*  
 \_\_\_\_\_  
*Ed R. ...*  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF	)	
L. A. AND D. V. CLARK, DOING BUSINESS	)	
AS "L. A. CLARK & SON," 306 FARADAY	)	<u>PERMIT NO. B-4573</u>
STREET, MONTE VISTA, COLORADO 81144	)	
	)	
	)	

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 28, 1968 to and including July 28, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Gaillego*

*Donald B. Bell*

*Edw. R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOHN I. GONZALES, 3615 WILLIAMS STREET, )  
DENVER, COLORADO 80205 )

PERMIT NO. B-5072

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from February 2, 1968 to and including August 7, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zalusko  
Harold B. Bell  
Ed. R. Ludlow  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
DONALD L. CAMPER )  
1429 CEDAR STREET )  
CANON CITY, COLORADO 81212 )

PERMIT NO. B-5438

-----  
January 23, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R


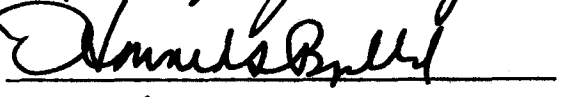

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 18, 1968 to and including July 18, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 23rd day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PEASE HAMILTON HELICOPTERS, INC., )  
1517 DENVER CLUB BUILDING, DENVER, )  
COLORADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY AUTHORIZING )  
OPERATION AS A COMMON CARRIER BY )  
HELICOPTER FOR THE TRANSPORTATION OF )  
PERSONS AND PROPERTY, NOT ON SCHEDULE, )  
BUT ON CALL AND DEMAND, FROM, TO AND )  
BETWEEN ALL POINTS IN THE STATE OF )  
COLORADO, WITH BASES OF OPERATIONS AT )  
ASPEN, VAIL, AND EAGLE, COLORADO, AND )  
AIRPORTS WITHIN A TEN MILE RADIUS OF )  
SAID CITIES. )  
----- )

APPLICATION NO. 22834  
SUPPLEMENTAL ORDER

-----  
January 23, 1968  
-----

Appearances: James E. Horigan, Esq., Denver,  
Colorado, for Applicant;  
John P. Thompson, Esq., Denver,  
Colorado, for Mile Hi Aviation  
Co., Protestant;  
Robert S. Wham, Esq., Denver,  
Colorado, for Vail Airways,  
Inc., Protestant;  
Ray Wilson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On December 28, 1967, the Commission entered Decision No. 70614  
in the above-styled application.

On January 17, 1968, "Petition for Rehearing," was filed with  
the Commission by Vail Airways, Inc., Protestant, by Robert S. Wham,  
Attorney.

The Commission has carefully considered Petition for Rehear-  
ing filed herein, and each and every allegation thereof, and is of the  
opinion, and finds that said Petition should be granted as set forth  
in the Order following.

ORDER

THE COMMISSION ORDERS:

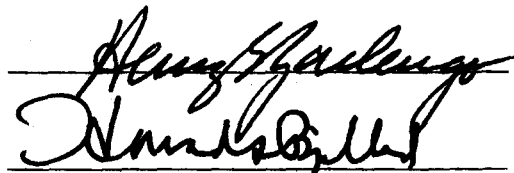
That "Petition for Rehearing," filed with the Commission by

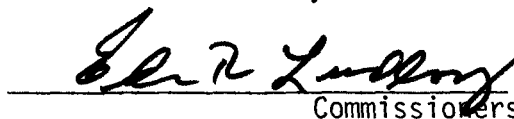
Vail Airways, Inc., Protestant, by Robert S. Wham, Attorney, be,  
and the same hereby is, granted.

That said matter is hereby set for rehearing before the  
Commission at 10 a.m., on February 9, 1968, at Hearing Room A, 534  
State Services Building, 1525 Sherman Street, Denver, Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 23rd day of January, 1968.

s1



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
C. R. REEL, ROUTE 4, BOX 331, )  
COLORADO SPRINGS, COLORADO, )  
UNDER PUC NO. 4543. )  
----- )

CASE NO. 5361  
ORDER TO SHOW CAUSE  
AND  
NOTICE OF HEARING

-----  
January 24, 1968  
-----

STATEMENT AND FINDINGS OF FACT

On February 15, 1960, the Commission entered Decision No. 53879 which granted a certificate of public convenience and necessity to C. R. Reel authorizing operations as a common carrier by motor vehicle for hire for the following:

"Transportation of ashes, trash, dirt, rock, fertilizer rubbish, grass clippings, brush, leaves and all other waste material from a designated area, known as the Black Forest area to regularly designated and approved dumps in El Paso County, Colorado."

On September 21, 1964, by Decision No. 63755, the Commission authorized the following extension to C. R. Reel, under PUC No. 4543:

"To include the right to pick-up and dispose of dead animals, except dogs, cats, and other small animals, on call and demand, between points in El Paso County, Colorado."

An investigation conducted by the Staff of the Enforcement Department of The Public Utilities Commission of the State of Colorado discloses that only one certificate holder is authorized by the Commission to transport and dispose of dead animals; and that the Colorado State Patrol and other police agencies call upon any persons who are the most readily available to transport and dispose of dead animals which present and constitute a sanitation problem.

Further investigation discloses that the transportation and disposal of dead animals is not the type of carriage that may fall within the three statutory descriptions of motor vehicle carriers; and that any transportation which may be performed may be incidental to the main service of removing and disposing of dead animals.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, and to determine what Order, if any, should be made by the Commission.


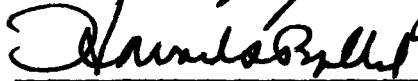
O R D E R

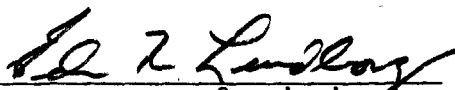
THE COMMISSION ORDERS:

That this Case be, and the same hereby is, set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m., on March 28, 1968, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That Respondent, C. R. Reel, Colorado Springs, Colorado, is hereby directed to appear before the Commission on the day and time, as set forth above, to show cause why the Commission should not take such action and enter such Order as may be appropriate, including, but not limited to, an Order cancelling and revoking that certain extension to PUC No. 4543 as granted by Decision No. 63755.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 24th day of January, 1968.  
sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
FRANKS PRODUCE CO. )  
5500 Sunvalley Drive )  
Pensacola, Florida 32505 )

AUTHORITY NO. PUC 6952-I  
CASE NO. 831-H-Ins.

-----  
January 24, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.




O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
24th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
FIRST REVISED SHEET NO. 6 OF )  
COLORADO PUC NO. 5 OF MOUNTAIN )  
STATES TELEPHONE AND TELEGRAPH )  
COMPANY CHANNEL SERVICE FOR USE )  
IN COMMUNITY ANTENNA TELEVISION )  
(CATV) SYSTEMS. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 595

-----  
January 25, 1968  
-----

Appearances: T. M. Ledingham, Esq., Denver, Colorado, and  
J. H. Shepherd, Esq., Denver, Colorado, for  
The Mountain States Telephone and Telegraph  
Company;  
Charles B. Howe, Esq., Boulder, Colorado, for  
Colorado Municipal League;  
F. T. Henry, Esq., Colorado Springs, Colorado,  
for the City of Colorado Springs;  
Blaine A. Rutenbeck, Esq., Denver, Colorado,  
and  
Glenn R. Jones, Esq., Denver, Colorado, for  
Silver King Cable Company;  
Thomas T. Farley, Esq., Pueblo, Colorado,  
and  
Lee G. Lovett, Esq., Washington, D. C., for  
Pueblo T. V. Power, Incorporated;  
Paul M. Brown, Denver, Colorado, of the  
Staff of the Public Utilities Commission.

PROCEDURE AND RECORD

On September 1, 1967, The Mountain States Telephone and Telegraph  
Company, 930 Fifteenth Street, Denver, Colorado, filed with the Public  
Utilities Commission of the State of Colorado a proposed change in its  
Colorado P.U.C. No. 5 tariff. The proposed change was filed generally  
under the provisions of 1963 CRS 115-3-4 and 115-6-11 to become effective  
on statutory notice on October 1, 1967, unless suspended by the Commission.

On September 12, 1967, The Colorado Municipal League filed a  
pleading with the Commission denominated as a Complaint, requesting the  
Commission to suspend the proposed tariff change, conduct a hearing on  
the matter, and after hearing, enter an order permanently suspending the

proposed tariff change. On September 13, 1967, the City of Colorado Springs filed a protest to the proposed tariff change requesting similar relief from the Commission. On September 6, 1967, Pueblo T. V. Power, Inc., by and through its attorney, filed a letter of protest requesting a public hearing on the proposed tariff change. On September 21, 1967, Mountain States Video, Inc. filed a letter with the Commission objecting to the proposed tariff change. On October 2, 1967, Colorado Community Television Association filed a letter with the Commission objecting to the proposed tariff change. On October 6, 1967, Fred M. Betz, Jr. filed a letter with the Commission objecting to the proposed tariff change. On November 13, 1967, the City of Canon City filed a letter with the Commission protesting the proposed tariff change. On November 22, 1967, Silver King Cable Corporation filed a pleading with the Commission denominated as a Complaint, and requesting generally the same relief sought in the Complaint filed by the Colorado Municipal League.

On September 15, 1967, the Public Utilities Commission of the State of Colorado entered its Decision No. 70094, suspending the effective date of the proposed change in the tariff of The Mountain States Telephone and Telegraph Company, instituting the instant investigation into such proposed change, which investigation was docketed as "Investigation and Suspension Docket No. 595," and setting the matter for hearing in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 28, 1967.

After due and proper notice to all interested parties, the matter was heard by the Commission at the designated time and place, the hearing being concluded on November 29, 1967.

Robert J. Pringle, the Colorado Vice-President and General Manager of The Mountain States Telephone and Telegraph Company, testified as the sole witness for such Respondent telephone company in support of the proposed tariff change. No exhibits were introduced in evidence

by such Respondent telephone company. Such Respondent, however, did provide for the use of the Commission, as well as all participants in the proceeding, a complete copy of the tariff under consideration in the instant proceeding. This tariff is entitled "Channel Service For Use in Community Antenna Television Systems Regulations and Schedule of Charges," and is designated as Colorado P.U.C. No. 5. The Commission now takes official notice of such tariff as originally issued on October 31, 1966, and all changes thereto, and the Secretary of the Commission is directed to furnish copies thereof for the record in the event that an appeal is taken by any party in the proceeding.

The following witnesses were called by the Protestants and testified:

Irving S. Hook, a certified public accountant, a lawyer,  
and a Councilman of the City of Denver,

T. Eugene McCleary, Mayor of the City of Colorado Springs,

Gordon D. Hinds, City Attorney for the City of Pueblo,

Tom Coffey, City Manager of the City of Fort Collins,

Bill Daniels, Director and Past President of the National Cable Television Association, President of Vumore Video (Colorado Springs), President of Pueblo Vumore, Greeley Video, Longmont Video, Fort Collins Video, and Loveland Video, and Chairman of the Board of Directors of Western Cable Television (Manitou Springs), testifying as a witness for Pueblo T. V. Power, Incorporated.

Glenn R. Jones, President of Silver King Cable Company,

Phil S. Tunks, President of Community Communications Company, a cable television operator with six (Boulder, Leadville, Salida, Monte Vista and Delta) systems in Colorado, and a representative of the Colorado Community Television Association.

Protestants identified and offered in evidence the following exhibits:

- |          |  |              |
|----------|--|--------------|
| No. 1    | A copy of Ordinance No. 343 of the City and County of Denver passed on October 16, 1967.   | Admitted     |
| No. 2.   | A copy of Ordinance No. 3499 of the City of Colorado Springs passed on final reading on June 27, 1967.   | Admitted     |
| No. 2-A. | A copy of Vumore Video's Cable Television Bid made to the City of Colorado Springs dated August 1, 1967.   | Admitted     |
| No. 2-B. | Award of CATV Permit Under Ordinance No. 3499 made by the City of Colorado Springs to Vumore Video Corporation of Colorado, Inc.                   | Admitted     |
| No. 3.   | A copy of a Cable Television Bid submitted to the City of Fort Collins, dated November 1, 1967.  | Not Admitted |
| No. 4.   | A copy of a three-page letter dated August 4, 1966 from Colorado Cablevision Corporation to the Mayor and Council of the City of Colorado Springs. | Not Admitted |
| No. 5.   | A copy of letter (dated October 10, 1966) and an attached bid made by Southern Colorado Cablevision, Inc. to the Pueblo City Council.              | Not Admitted |
| No. 6.   | A copy of a "Trilateral CATV Pole Attachment Agreement."   | Admitted     |
| No. 7.   | A publication of the Colorado Municipal League entitled "A Municipal Guide To CATV."   | Admitted     |
| No. 8.   | A large diagram of a utility pole and attachments thereto.   | Withdrawn    |

Protestants' Exhibits No. 1, 2, 2-A, 2-B, 6 and 7 were admitted in evidence.

Protestants' Exhibits No. 3, 4 and 5 were not admitted. Protestants' Exhibit No. 8 was not offered in evidence and was withdrawn.

Upon conclusion of the taking of testimony, the Commission authorized all parties who might desire to so do, including the Colorado Community Television Association (as amicus curiae) to file briefs on or before January 15, 1968. The Commission then took the matter under

advisement. The transcript of testimony was filed with the Commission on December 27, 1967. The time for filing briefs has expired, and the matter is now before the Commission for determination.

#### FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as fact that:

1. The Mountain States Telephone and Telegraph Company, hereinafter referred to by full corporate name, as Mountain States Telephone, or as Respondent, is a corporation duly organized and existing under the laws of the State of Colorado, with offices located at 930 Fifteenth Street, Denver, Colorado. American Telephone and Telegraph Company, with offices at 195 Broadway, New York, New York, owns 86.75% of the stock of The Mountain States Telephone and Telegraph Company. Mountain States Telephone operates as an interstate communications public utility in the State of Colorado under the jurisdiction of the Federal Communications Commission. Mountain States Telephone operates as an intrastate communications public utility in the State of Colorado under the jurisdiction of the Public Utilities Commission of the State of Colorado.

2. Television, as the term is generally used, is the electromagnetic transmission and virtually instantaneous reception of still or moving pictures with accompanying sound. Television signals can be so transmitted either by the use of radio waves or over wire (cable), or a combination of both. Insofar as the general public is concerned, television service consists of various television broadcasting stations, which transmit programs that can be received on television receiving sets located within the range of the broadcasting station. The normal television receiving set is capable of receiving 12 channels (Channels 2 to 13, inclusive). The antenna utilized by these individual television receiving sets to pick up the broadcast television signal may range from "rabbit ears" to relatively large antennas located on fifty foot, or higher,



towers. In certain areas where reception is not good because of distance or topographical features, so-called "booster" or "translator" stations may be installed. A "booster" station has an antenna which picks up the signal of a specified broadcasting station, and a transmitter which re-broadcasts such signal on the same wave-length or channel. A "translator" station performs the same function, but the re-broadcast is on a different wave-length or channel. The effect of either a "translator" or a "booster" station is to permit a television broadcasting station to be received by television receiving sets located beyond the normal broadcasting range of the station. The television signal is still picked up by the antenna attached directly to the television set. These "booster" or "translator" stations are normally installed as community non-profit projects in areas where the residents desire to obtain either additional or better television reception. The use of either "booster" or "translator" stations does not constitute Community Antenna Television as such term will be used later in this Order. Television broadcasting stations, as well as "booster" and "translator" stations, are subject to the regulatory jurisdiction of the Federal Communications Commission. The Colorado Public Utilities Commission has no regulatory jurisdiction over television.

3. The term "Community Antenna Television," as used herein, and hereinafter sometimes referred to as CATV, involves the reception of television signals from several (1 to 12) direct television broadcasting stations by use of a large master antenna, and the distribution of such television signals from such master antenna not by re-broadcast but by coaxial cable throughout a given geographic area. Such coaxial cable (as now in use) has a 12-channel capacity. Owners of television receiving sets in such area can then receive "Community Antenna Television" by hooking into such coaxial cable system in the same way that they would receive electric service or telephone service, namely, a service drop from the alley or street which would connect their television

receiving set with the distribution cable. The television set owner then receives television signals by cable, rather than from his own antenna. We will hereafter refer to the master antenna and its attendant facilities as the "head-end" system; the cable and its attendant facilities as the "distribution" system; and all equipment used to connect the distribution system to the various individual television receiving sets as the "individual service" system. We will also refer to the point at which the television signals enter the distribution system from the "head-end" system as the in-put point, and the point where such signals leave the distribution system to enter the individual service system as the out-put point. Normally, there will be only one in-put point but there will be a separate out-put point for each television set owner receiving the service, just as there would be a separate out-put point for each electric customer.

4. CATV has many advantages over normal television insofar as the ordinary television set owner is concerned. The two most important advantages are (1) that CATV provides consistently better television signals thereby providing a better picture on the screen of the television set owner, and (2) that normally CATV makes more channels available for the television set owner to watch. It would be technically possible for CATV to carry twelve separate direct television broadcasting stations. Because of the advantages of CATV, it is economically possible for complete CATV systems to be installed, and the public appears to be willing to pay sufficient monthly amounts for CATV service to make the operations of such CATV systems profitable. A person, firm, or corporation engaged in the business of providing CATV service will hereinafter be referred to as a CATV System Operator. A television set owner who subscribes to the CATV service will hereinafter be referred to as a Service Subscriber. In the tariffs of Mountain States Telephone hereinafter discussed, CATV System Operators are referred to as "Customers," and Service Subscribers are referred to as "Patrons."

5. Mountain States Telephone does not provide CATV service. As a communication utility, however, it does hold itself out as ready,

willing and able to provide any CATV System Operator with the necessary distribution service. In other words, Mountain States Telephone will accept the television signals from the "head-end" system of the CATV System Operator at the in-put point, and over its own communication distribution (coaxial cable) system will deliver (for specified tariff charges) such television signals to the out-put points necessary for the CATV System Operator to render CATV service to the Service Subscribers. This communications utility service is available to any and all CATV System Operators that apply to Mountain States Telephone for such service. Mountain States Telephone has filed an interstate tariff covering Channel Service For Use In Community Antenna Television Systems provided in the State of Colorado with the Federal Communications Commission. This interstate tariff is similar to Mountain States Telephone Colorado intrastate tariff (Colorado P.U.C. No. 5). The interstate tariff is applicable to the distribution of all broadcast television signals received at the head-end system of the CATV System Operator. In other words, if a CATV System Operator simply re-transmits the broadcast television signals of direct broadcasting television stations, the distribution service rendered by Mountain States Telephone, even though performed solely in the State of Colorado, would be a purely interstate service, and not subject in any way to an intrastate tariff.

6. The question now arises as to what Channel Service For Use In Community Antenna Television Systems rendered by Mountain States Telephone in the State of Colorado is intrastate in character and subject to an intrastate tariff. As we have hereinbefore stated, direct broadcast television stations are subject to the regulatory jurisdiction of the Federal Communications Commission. The Federal Communications Commission is also exercising regulatory jurisdiction to a limited degree over CATV System Operators. Under applicable FCC regulations, a CATV System Operator may not originate its own programs, except as to specified public interest television program material. Such locally

originated public interest material is intrastate in character and when tendered to Mountain States Telephone for transmission over its distribution system is subject to a Colorado intrastate tariff. To provide for the rendition of this limited intrastate service, Mountain States Telephone filed with the Colorado Public Utilities Commission on October 31, 1966, to be effective December 1, 1966, its intrastate tariff (Colorado P.U.C. No. 5) providing for the intrastate rendition of Channel Service For Use In Community Antenna Television Systems. This tariff recognized the limited extent of intrastate service by providing in Section II-D thereof (page 5 of the tariff):

"D. Use. Service is furnished to customers for the purpose of distributing locally originated public interest television program material such as weather information and locally originated news events and music programming by means of an intrastate closed circuit television network to the output points of all patrons of the customer as an incidental part of the customer's primary offering of interstate community antenna television service."

The CATV System Operator has twelve channels available to render CATV service. Such operator might decide to use none of these channels for limited locally originated program material, in which case the interstate tariff would apply to his entire operation, or such operator might decide to use one or two of such channels for originating his own music programming, weather information or news, in which case the intrastate tariff would apply to the use of these one or two channels. In either event, it is obvious that the primary service rendered by the CATV System Operator will be interstate in character subject to interstate tariff, and the intrastate service rendered will be relatively minor, and in some cases, non-existent.

7. On September 1, 1967, Mountain States Telephone filed with the Commission its Advice Letter No. 435 with proposed tariff page changes attached proposing to change its intrastate Channel Service For Use In Community Antenna Television Systems Tariff (Colorado P.U.C. No. 5) by deleting therefrom Sub-section F, Section II, found on page 6 of said

tariff, which reads:

"F. Obligation of Customer (CATV System Operator). The Customer (CATV System Operator) shall be responsible for obtaining any authority to provide CATV service to its patrons (Service Subscribers) that may be required by law or local ordinance." (Parenthetical material inserted by Commission).

This proposed deletion was to have become effective on statutory notice on October 1, 1967, but the Commission in Decision No. 70094 entered September 15, 1967, suspended the effective date of such proposed deletion, instituted the instant investigatory proceeding, and conducted a hearing relative to such proposed deletion. The precise question before the Commission in this proceeding is whether or not Mountain States Telephone should be permitted to delete the above set-forth Sub-Section F from the said tariff. The Federal Communications Commission has already permitted Mountain States Telephone to delete such paragraph from its interstate tariff.

8. In said Advice Letter No. 435, Mountain States Telephone stated the reason for such deletion to be:

"Since the fact that whether or not a CATV company has complied with local ordinances and has subsequently been granted permission to provide CATV service is a matter of public notice, such a regulation is redundant."

We agree with the determination that Sub-section F is redundant, but not with the reasoning advanced in support of such determination. Sub-section F is simply a particularized re-statement of the general law that it is the responsibility of all persons to comply with applicable law. The responsibility of a CATV System Operator to comply with applicable law cannot be altered or changed in any way by a regulation in the tariff of a public utility. Sub-section F is therefore redundant, as the responsibility of a CATV System Operator to comply with applicable law

remains the same whether Sub-section F is in the tariff or not. It is not the obligation or responsibility of Mountain States Telephone to see that a CATV System Operator complies with applicable law. This is the normal function of law enforcement agencies. For example, it is neither the function nor responsibility of a motor vehicle common carrier delivering goods to a retail merchant to determine whether or not such merchant is properly licensed by municipal and state authorities. If Sub-section F should be erroneously and improperly interpreted in such manner as to require Mountain States Telephone to assume the responsibility for determining, interpreting and enforcing applicable law, then such Sub-section F would not only be ambiguous, but would also be an improper tariff provision. Order provisions to follow will authorize the deletion of said Sub-section F from Mountain States Telephone Tariff Colorado P.U.C. No. 5, and the tariff as so amended will be just, reasonable, and non-discriminatory.

#### DISCUSSION

In view of the great interest evidenced in this proposed tariff change by the municipalities of the State of Colorado, as well as CATV System Operators, the Commission deems it proper to discuss in somewhat more detail certain of the problems involved in the rendition of CATV service, even though such problems are not particularly relevant as to our decision in the instant proceeding.

At the outset, CATV System Operators have a major problem in that such operators, in effect, are re-selling the product of the direct television broadcasting stations. Much of the material broadcasted by such direct television broadcasting stations is copyrighted. It is an interesting legal question as to whether CATV System Operators are violating the copyright laws, by the re-distribution for profit of copyrighted direct television broadcasting material without the permission of the copyright owner. Cases raising this issue are now pending before

the Supreme Court of the United States, with oral arguments probably to take place in March or April of this year. Such problem has also been brought to the attention of the Congress of the United States, and it is possible that Congress may consider the enactment of legislation concerning such issue. Of course, the issue of such potential liability is primarily a problem of the CATV System Operator. We point out, however, that if the controversial Sub-section F should be improperly interpreted to require Mountain States Telephone to assume the responsibility for determining, interpreting and enforcing a local municipal ordinance relating to CATV service, such Sub-section F could logically also be misinterpreted to require Mountain States Telephone to assume the responsibility for determining, interpreting and enforcing the copyright laws. Again this is the responsibility and function of our law enforcement agencies. To draw a further parallel, it is not the function or responsibility of a motor vehicle common carrier to determine the legal ownership of goods tendered to it for transportation.

We turn now to the problems of a new potential CATV System Operator. Assume with us that this Operator has made the necessary studies and has determined that it will be financially profitable to render CATV service to the inhabitants of Anytown in the State of Colorado. Such Operator has determined where his master antenna system will be located, and is now considering how to provide the necessary coaxial cable distribution system. He has three choices available to him, i.e.:

1. He may construct his own distribution system, either installing the coaxial cable underground, or attaching the coaxial cable to an above-ground pole system which he would construct.
2. He may enter into a Pole Attachment Agreement with existing public utilities rendering utility service in Anytown, pay rental to such public utilities for

the use of the existing utility pole system, and attach his coaxial cable distribution system to such existing utility pole system.

3. He may use the Channel Service For Use In Community Antenna Television Systems provided as a public utility service by Mountain States Telephone under its applicable tariffs, interstate and intrastate (Colorado P.U.C. No. 5).

All three of these choices involve the use of the streets, alleys, and perhaps utility easements of Anytown. Therefore, if the CATV System Operator elects to proceed under either Option 1 or Option 2, such Operator must obtain permission from Anytown to use its streets, alleys, and utility easements to install therein or thereon the required coaxial cable distribution system. A legal question probably exists as to whether the permission granted by Anytown should be in the form of a franchise or a license-permit. If a franchise is required, then if Anytown is a home-rule city, the question may have to be submitted to a vote of the people. In either event the amount of the franchise tax or license-permit fee must be determined, apparently normally by negotiations with the officials of Anytown. A further problem exists as to Option No. 2, in that in addition to obtaining permission from Anytown to use its streets, alleys and utility easements, the CATV System Operator must negotiate a pole attachment agreement with existing public utilities which would permit the said Operator to attach his coaxial cable to the existing utility pole system. The Colorado Public Utilities Commission has not, in the past, considered pole attachment agreements to be a utility service. Therefore, existing public utilities are free to enter into such agreement, or not, as they may elect. Option No. 3 would involve the use of Mountain States Telephone's Channel Service. For reasons that were not made completely clear in the instant proceeding, CATV System Operators apparently do not desire to utilize such service of Mountain States



Telephone. One of such operators testified that the service rendered by Mountain States Telephone was not as good as it should be, and the tariff charges were too high. In passing, we point out that the Colorado Public Utilities Commission, on complaint filed, has full jurisdiction to investigate the matter of service and rates, and take the necessary action to insure the rendition of proper service at just and reasonable rates. It would appear that if Option No. 3 were utilized by a CATV System Operator, it would not be necessary to obtain permission from Anytown to use its streets, alleys, and utility easements, as Mountain States Telephone, in the rendition of service as a communications public utility, already has authority to use such streets, alleys, and public utility easements.

It is interesting to note the position of the three CATV System Operators who testified before the Commission in the instant proceeding. None of them wanted to use the public utility service offered by Mountain States Telephone to CATV System Operators. In effect, they simply wished to prevent any other CATV System Operator from utilizing such service and entering into competition with existing CATV System Operators. Apparently such operators desire to have the same territorial protection afforded to fixed public utilities without the accompanying public regulation of rates and service. The Commission, although recognizing the force of such economic motivation, entertains little sympathy for the position of its industry advocates.

The position of the municipalities of the State of Colorado is somewhat different -- although such position is also based on an economic motivation. The municipalities of the State of Colorado appear to be faced with the problem of increased public demands for municipal services, both from a quantity and quality standpoint. Such demands can be met only by increased revenues. The primary sources for tax revenues are (1) property tax, (2) sales tax, (3) income tax, and (4) miscellaneous (sometimes referred to as nuisance) taxes. Many

municipalities already have a relatively high property tax as well as a relatively high sales tax. Municipalities are not, under existing law, authorized to impose an income tax. As a result, municipalities in the State of Colorado have not only been raising their miscellaneous taxes in many areas, but have also been looking for new areas in which to levy taxes. With the advent of CATV, Colorado municipalities apparently recognized an opportunity to increase municipal revenues by levying a franchise tax or a permit-license fee upon CATV System Operators rendering CATV service within the corporate limits of their respective municipalities. Such a tax would in effect be a luxury tax as free television would remain available to all television set owners who did not subscribe to the CATV service. The amount of the tax revenues payable to the municipality could be maximized by permitting only one CATV System Operator to render service within the corporate limits of the municipality, and by allowing potential operators to bid against each other for the necessary municipal permission to render such service. The bidding, in effect, would relate to the amount of tax each CATV System Operator would be willing to pay to the city for the privilege of rendering CATV service under a specified schedule of rates. The municipalities, of course, could, as a practical matter, control the rendition of CATV service under Options 1 or 2, because of their control over municipal streets, alleys, and utility easements. The municipalities, however, would have little or no control over service rendered under Option No. 3. In other words, an unsuccessful CATV System Operator Bidder might still be able to render CATV service in the city under Option No. 3, and his ability to so do would effectively negate the attempt of the municipality to allow such service to be rendered only by the highest bidder. In the present proceeding, the municipalities, in effect, are requesting the Colorado Public Utilities Commission to exercise its regulatory authority to preclude Mountain States Telephone from rendering service to a CATV System Operator under Option 3, unless such operator first obtains a franchise or license-permit from the

municipality. Even though we are fully aware of the revenue problems of the municipalities of the State of Colorado, and sympathize with the municipal officials who are responsible for solving such problems, we would deem it a misuse of the regulatory authority conferred upon us by the Constitution of the State of Colorado and the General Assembly of the State of Colorado to so do. However, even if we were inclined to use the regulatory power of the Commission for such purpose, any attempt on our part to so do would be relatively ineffectual, as the primary service rendered by a CATV System Operator is interstate in character, and rendered under an interstate tariff, not an intrastate tariff.

We turn now to discuss the position of Mountain States Telephone in the instant proceeding. This company is a public utility. It has a legal obligation to render service under its tariffs on file with the Colorado Public Utilities Commission. If such company improperly refuses to provide such service, it may be liable in damages. Under the existing tariff provision, i.e. Sub-section F, if Mountain States Telephone refused to render service under its Channel Tariff (Colorado P.U.C. No. 5) because the CATV System Operator did not have authority from the municipality, and it were later judicially determined that such authority was either not necessary or improperly withheld by the municipality, there would then be a possibility that Mountain States Telephone would be liable in damages to said CATV System Operator. Mountain States Telephone wishes to obviate such possibility by eliminating such provision from its tariff. Mountain States Telephone would then render service under such tariff to all service applicants. If the municipality were of the opinion that the CATV System Operator in rendering CATV service was in violation of any municipal ordinance, it would then be incumbent upon the municipality to enforce such ordinance against the CATV System Operator in the appropriate judicial forum. We see nothing wrong with such procedure. The judicial system of the State of Colorado is the proper forum to adjudicate such issues, not the Colorado Public Utilities Commission. Furthermore, we point out that in the long run

all costs of doing business incurred by a public utility eventually are paid by the ratepayers of such utility as part of the rates charged by the utility. We see no reason for the telephone ratepayers in the State of Colorado to assume any potential liability by our requiring said Sub-section F to remain in the tariff of Mountain States Telephone.

The CATV System Operators now rendering CATV service in the State of Colorado appear to have convinced the municipalities that CATV service should be monopolistic in nature. The argument advanced seems to be that a CATV system has basically the same characteristics as, for example, an electric system. In other words, it is necessary in order to provide CATV service to construct a system at great cost, and therefore a duplicating system would constitute considerable economic waste. On the surface, this argument appears to be tenable. We have grave doubts, however, as to whether the actual facts would support the theory. We have seen no figures comparing the fixed system cost per service subscriber of a CATV system with the fixed system cost per customer of an electric, gas, or telephone utility. A rough comparison of the necessary equipment, however, would indicate to us that the fixed system cost per potential service subscriber of a CATV system would be far below the fixed system cost per customer of a gas, electric, or telephone utility. A further fact to be considered is that the product distributed by the CATV System Operator is obtained by such operator at little or no cost, whereas natural gas or electric energy must be purchased or generated by the gas or electric utility. We readily admit that we have not performed the necessary cost studies to determine whether in truth or in fact the investment per service subscriber necessary on the part of a CATV System Operator to render CATV service is so great as to economically justify the creation of a monopolistic system of distribution. On the incomplete facts known to us, we doubt it.

all costs of doing business incurred by a public utility eventually are paid by the ratepayers of such utility as part of the rates charged by the utility. We see no reason for the telephone ratepayers in the State of Colorado to assume any potential liability by our requiring said Sub-section F to remain in the tariff of Mountain States Telephone.

The CATV System Operators now rendering CATV service in the State of Colorado appear to have convinced the municipalities that CATV service should be monopolistic in nature. The argument advanced seems to be that a CATV system has basically the same characteristics as, for example, an electric system. In other words, it is necessary in order to provide CATV service to construct a system at great cost, and therefore a duplicating system would constitute considerable economic waste. On the surface, this argument appears to be tenable. We have grave doubts, however, as to whether the actual facts would support the theory. We have seen no figures comparing the fixed system cost per service subscriber of a CATV system with the fixed system cost per customer of an electric, gas, or telephone utility. A rough comparison of the necessary equipment, however, would indicate to us that the fixed system cost per potential service subscriber of a CATV system would be far below the fixed system cost per customer of a gas, electric, or telephone utility. A further fact to be considered is that the product distributed by the CATV System Operator is obtained by such operator at little or no cost, whereas natural gas or electric energy must be purchased or generated by the gas or electric utility. We readily admit that we have not performed the necessary cost studies to determine whether in truth or in fact the investment per service subscriber necessary on the part of a CATV System Operator to render CATV service is so great as to economically justify the creation of a monopolistic system of distribution. On the incomplete facts known to us, we doubt it.

It would appear that the State of Colorado has two avenues open to it concerning the treatment of CATV service. The first avenue would be to simply treat the rendition of CATV service in the same manner as any other legitimate business enterprise. A municipality, of course, has the right to require any business enterprise to obtain a license. Such licenses normally issue as a matter of course upon payment of the required fee and compliance with routine conditions set forth in the applicable municipal ordinance, i.e., retail store licenses. The CATV System Operator could then elect to proceed to construct the necessary system. If he elected to proceed under Options 1 or 2, he would have to arrange with the municipality to use its streets, alleys, and utility easements. If he elected to proceed under Option 3, he would obtain channel service from Mountain States Telephone. He would be competing with free television from direct television broadcasting stations. He would also be competing with any other CATV System Operators who might elect to render service in the same geographical area. The license issued to him by the municipality would be non-exclusive, and a similar license could be procured by any other qualified license applicant. The public would be protected from the payment of exorbitant rates, not only by the competition of free television, but also by the actual or potential competition of other CATV System Operators.

The other alternative would be to treat the rendition of CATV service in generally the same manner as a monopolistic fixed utility service. In this event, the CATV System Operator would have a protected geographical area in which to render service. No other CATV System Operator would be permitted to render CATV service in such area. It is obvious that this alternative implies and is conditioned upon the utilization of governmental power, state or municipal, to preclude the entry of competitors into the field. It should also be obvious that governmental power should not be utilized to confer a monopoly status on any business, unless at the same time such governmental

power is utilized to control and regulate the rates, services, and rate of return of such business. Under existing law, it appears that the Colorado Public Utilities Commission has no jurisdiction to regulate in any way the rendition of CATV service by a CATV System Operator. The Federal Communications Commission has disclaimed any intent to attempt to so regulate the rates charged or the service rendered by a CATV System Operator, stating that such jurisdiction is, in effect, a function for local (state or municipal) government. It is extremely doubtful if the municipalities of the State of Colorado have such jurisdiction, despite their efforts to achieve some sort of rate regulation by in effect conditioning revocable licenses to utilize streets, alleys, and utility easements upon the retention of certain specified rate schedules. It seems clear that if the rendition of CATV service is to be treated as the rendition of a public utility service, then the Legislature of the State of Colorado should be requested to pass the required legislation placing the rendition of such service under proper regulation. We note that the Colorado Public Utilities Commission has not sought such jurisdiction. However, we would be most happy to co-operate with the municipalities of the State of Colorado in working out possible solutions to the problems, and submitting such possible solutions to the Legislature for the consideration of such body.

#### O R D E R

##### THE COMMISSION ORDERS:

That the proposed change in the Mountain States Telephone and Telegraph Company Colorado P.U.C. Tariff No. 5, Channel Service For Use In Community Antenna Television Systems (CATV), by the deletion from its existing tariff of Sub-section F, Section II, which reads:


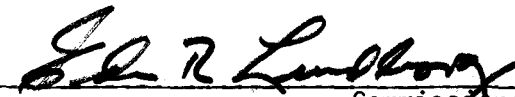
##### "F. Obligation of Customer

The customer shall be responsible for obtaining any authority to provide CATV service to its patrons that may be required by law or local ordinance,"

should be, and hereby is, permitted to become effective as set forth herein.

That the effective date of First Revised Sheet No. 6, Channel Service For Use In Community Antenna Television (CATV) Systems Tariff (Colo. P.U.C. No. 5) shall be the effective date of the Order herein. That this Order shall become effective twenty-one (21) days from date hereof, and as of such date, the suspension of said tariff shall be, and hereby is, lifted, and Investigation and Suspension Docket No. 595 shall be closed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Chairman Zarlengo Concurring.

I concur in the Order in toto.

The issue before the Commission is: Should the Commission authorize and order deletion of that part of the Telephone Company's filed tariff, to-wit:

"F. Obligation of Customer

The customer shall be responsible for obtaining any authority to provide CATV service to its patrons that may be required by law or local ordinance."

Many contentions and arguments have been voiced for and against retention of such provision.

The provision could be construed to be a notice and statement of the Company's position as to whose is the responsibility for obtaining authority required by law or local ordinance, if any, for a CATV Operator to render service to patrons. It is an attempt to make it clear that it is the customer's (the CATV Operator) responsibility



to obtain proper local authorization to render CATV service and that it is not the Company's responsibility. As such it constitutes an effort at clarification of responsibility to avoid misunderstanding and, as such, while it may be useful it is not a necessary part of the tariff.

If the provision is construed to be the imposition of a condition precedent to rendering service to the CATV Operator that the CATV Operator must first obtain any authority which may be required by law or local ordinance to render CATV service to its patrons it is illegal. The Company, as a public utility, must serve, and it cannot within the framework and purview of the laws relating to regulation of public utilities, refuse its service upon such grounds. It does not have powers to enforce local law or ordinances, nor can it arrogate unto itself such powers by filing a tariff and by exercise of the coercive action of withholding its public utility services. The matter of compliance with local law and ordinance is a matter resting between the CATV Operator and the local authorities. The local authorities may seek by law to impose such a right and duty upon the Company. However, as to the legality of such law no opinion is hereby ventured.

The Commission is not called upon to determine whether or not it has jurisdiction over the rendering of CATV service. The Commission is not called upon to determine whether or not the referred-to pole attachment service is subject to its jurisdiction. Therefore, no opinion is hereby given as to such questions.

  
Chairman

Dated at Denver, Colorado,  
this 25th day of January, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE MOTOR VEHICLE OPERATIONS )  
OF YEAROUS TRUCK LINES, INC., 603 )  
WEST PLATTE, FORT MORGAN, COLORADO )  
UNDER PERMIT NO. B-1236 )  
----- )

CASE NO. 5362  
NOTICE OF HEARING  
AND  
ORDER TO SHOW CAUSE

-----  
January 25, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted Permit No. B-1236, which authorizes said Respondent to conduct certain operations as a Private Carrier by motor vehicle for hire for the following:

"Transportation of livestock from point to point in Morgan County and the North 15 miles of Adams County and from and to points in said area to and from points in the area bounded on the South by U.S. 40, Denver to Limon, and U.S. 24, Limon to Colorado-Kansas State Line, the Colorado State Line on the North and East and U.S. 287 on the West;

Transportation of farm products and farm supplies from point to point in said Morgan County and the North 15 miles of Adams County, and grain in bulk from points in said area to Denver, Greeley and Fort Collins, with back-haul of coal from Northern Colorado coal fields, only.

Transportation of emigrant moveables to and from all points in Colorado and to and from his present authorized territory."

The Staff of the Enforcement Department of the Public Utilities Commission of the State of Colorado has conducted an investigation relating to the motor vehicle operations of Respondent, Yearous Truck Lines, Inc., under Permit No. B-1236. Said investigation discloses that the Respondent has engaged in transportation practices in violation of the Public Utility Law, and the Rules and Regulations of the Commission in the following respect, to-wit:

- (1) Operations under Permit No. B-1236, owned by Yearous Truck Lines, Inc., a

corporation, are being conducted by Walter Yearous, Waldo Yearous and Wayne Yearous, as individuals.

- (2) Yearous Truck Lines, Inc., is operating in violation of Rule 14 of the Commission's Rules and Regulations Governing Private Carriers by motor vehicle.
- (3) Yearous Truck Lines, Inc. is leasing equipment contrary to Rule 12 of the Commission's Rules and Regulations Governing Private Carriers by motor vehicle.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material and to determine what Order or penalties, if any, should be made or imposed by the Commission.

#### O R D E R

##### THE COMMISSION ORDERS:

That this case be and the same hereby is set for hearing before the Commission at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado at 10 a.m., on March 28, 1968, at which time and place such evidence as is proper may be introduced and such arguments as are material to the issue may be presented.

That Respondent, Yearous Truck Lines, Inc., be and hereby is directed to appear before the Commission on the day and time, as specifically set forth above, to show cause why the Commission should not take such action and enter such Order or penalties, as may be appropriate, including, but not limited to, a cease and desist Order, or

if warranted, an Order cancelling and revoking Permit No. B-1236  
of the Respondent.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin G. Galloway*

*Harold B. Bell*

*J. R. Lundberg*  
Commissioners

Dated at Denver, Colorado  
this 25th day of January, 1968.  
sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DENVER AND RIO GRANDE WESTERN RAILROAD )  
COMPANY, 604 RIO GRANDE BUILDING, 1531 )  
STOUT STREET, DENVER, COLORADO, TO )  
DISCONTINUE THE OPERATION OF PASSENGER )  
TRAINS NOS. 9 AND 10 (YAMPA VALLEY )  
MAIL) BETWEEN DENVER, COLORADO, AND )  
CRAIG, COLORADO. )

APPLICATION NO. 22846

-----  
January 24, 1968  
-----

Appearances: Ernest Porter, Esq., Denver,  
Colorado, and  
John S. Walker, Jr., Esq., Denver,  
Colorado, for Applicant;  
James Pughe, Esq., Craig, Colorado,  
for the Craig Chamber of Commerce,  
Association of General Chairman  
of the Railroad Brotherhoods, and  
Moffat Tunnel Commission;  
Frank Land, Esq., Granby, Colorado,  
for the Granby Chamber of Commerce  
and other individual protestants;  
George Kemp, Denver, Colorado, Legis-  
lative Representative of the Rail-  
road Clerks;  
M. Carl Feather, Salida, Colorado, for  
the Colorado Legislative Board, Brother-  
hood of Railroad Trainmen;  
Howard D. Hicks, Denver, Colorado, for  
the Denver Chamber of Commerce;  
Dexter M. Brinker, Boulder, Colorado,  
pro se;  
J. Thomas-Hazell, Denver, Colorado, pro se;  
E. D. Davis, Esq., Craig, Colorado for the  
County of Moffat;  
Robert L. Pyle, Esq., Denver, Colorado, for  
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

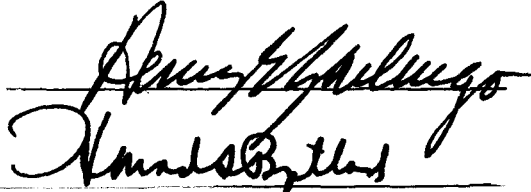
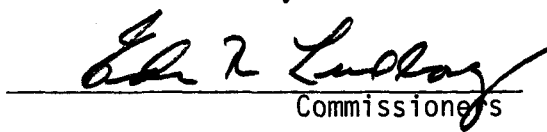
The Commission having considered the request of counsel to be allowed to file briefs in the within matter finds that, due to the urgency of time and the circumstances herein involved, briefs, or abstract of evidence, or proposed orders may be filed by counsel as set out in the following order.

O R D E R

THE COMMISSION ORDERS:

That counsel for the parties herein may file written briefs, abstract of evidence, or proposed orders, as desired in the within matter, with the Commission on or before February 8, 1968.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado  
this 24th day of January, 1968.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO CONSTRUCT A GAS DIS- )  
TRIBUTION MAIN TO AND A GAS DISTRIBUTU )  
TION SYSTEM IN THE TOWN OF NEDERLAND, )  
BOULDER COUNTY, COLORADO, AND CONTIGU- )  
OUS AREA, TO EXERCISE FRANCHISE RIGHTS )  
FOR THE PRODUCTION, MANUFACTURE, PUR- )  
CHASE, STORAGE, TRANSMISSION AND DIS- )  
TRIBUTION OF GASEOUS FUEL OR MIXTURES )  
THEREOF, IN SAID TOWN, AND TO DISTRIBUTE )  
AND SELL GAS IN THE AREA CONTIGUOUS )  
THERETO AND ALONG THE GAS DISTRIBUTION )  
MAIN TO THE TOWN. )

APPLICATION NO. 22973

-----

-----  
January 26, 1968  
-----

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,  
Denver, Colorado, by  
D. D. Cawelti, Esq., Denver, Colorado,  
for Applicant;  
Girts Krumins, Esq., and Paul M. Brown,  
Denver, Colorado, of the Staff of the  
Commission.

S T A T E M E N T

BY THE COMMISSION:

Public Service Company of Colorado filed an application with this Commission, seeking a certificate of public convenience and necessity authorizing the construction of a gas distribution main to and a gas distribution system in the Town of Nederland, Boulder County, Colorado, and the contiguous area, and the exercise of franchise rights in said Town of Nederland, for the distribution and sale of gaseous fuels or mixtures thereof, in said town, and the distribution and sale of gas in the area contiguous thereto and along the gas distribution main to be constructed to said town.

The matter was set for hearing, after due notice to all interested parties, on January 22, 1968, at ten o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. At the conclusion of the hearing, the matter was taken under advisement.

No petitions of intervention were filed with the Commission, and no one appeared at the Hearing in opposition to the application.

Applicant is a corporation organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, transmission and distribution of electric energy, and in the purchase and distribution of natural gas in various areas within the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, containing all amendments thereto, has heretofore been filed with this Commission.

Applicant showed that the Town of Nederland had granted to it, a gas franchise by Ordinance No. 105 of December 5, 1967, entitled:

AN ORDINANCE GRANTING A FRANCHISE BY THE TOWN OF NEDERLAND, BOULDER COUNTY, COLORADO, TO PUBLIC SERVICE COMPANY OF COLORADO, ITS SUCCESSORS AND ASSIGNS, TO CONSTRUCT, PURCHASE, ACQUIRE, LOCATE, MAINTAIN, OPERATE, AND EXTEND INTO, WITHIN AND THROUGH SAID PLANTS, WORKS, SYSTEMS AND FACILITIES, FOR THE PRODUCTION, MANUFACTURE, PURCHASE, STORAGE, TRANSMISSION AND DISTRIBUTION OF GASEOUS FUELS, OR MIXTURES THEREOF BY MEANS OF PIPES, MAINS, OR OTHERWISE, OVER, UNDER, ALONG AN ACROSS ALL STREETS, ALLEYS, VIADUCTS, BRIDGES, ROADS, LANES, PUBLIC WAYS AND OTHER PUBLIC PLACES IN SAID TOWN OF NEDERLAND, TO SELL, FURNISH AND DISTRIBUTE SAID PRODUCT TO THE TOWN OF NEDERLAND AND THE INHABITANTS THEREOF, AND FIXING THE TERMS AND CONDITIONS THEREOF.

A copy of the Ordinance with supporting documents was attached to the application as Exhibit C. Said franchise provides that service thereunder shall be subject to Applicant being able to obtain applications for residential and commercial gas service in the Town and along the gas distribution main to the Town in sufficient numbers to make gas service to the Town feasible. The term of said franchise is for a period of twenty-five years.

Witness for Applicant, Mr. D. E. Lichtenwalter, testified that Applicant will obtain its supply of natural gas for distribution and sale in the areas herein applied for from Western Slope Gas Company, a wholly-owned subsidiary of Applicant. Applicant proposes to construct a gas



distribution main from the gas transmission pipeline of the Western Slope Gas Company from a point near the SE corner of Section 8, Township 2 South, Range 70 West of the 6th P.M., near the Rocky Flats Plant, a distance of approximately 17.1 miles to Nederland. A map showing the proposed route of the distribution main was attached to the application as Exhibit A. The route follows Coal Creek Canyon, past Wondervu and Pinecliffe and thence along South Boulder Creek to Nederland.

A map of the proposed gas distribution system in the Town of Nederland was attached to the application, as Exhibit B. The witness estimated that over the 25 year period of the franchise the investment in the town would be \$100,130, in the main line distribution main \$166,070 and in the area contiguous to Nederland \$198,400.

A feasibility study of the proposed gas project was introduced at the hearing as Exhibit D.

The estimate regarding investment will be used as the basis for the fee for the issuance of the certificate but will not be binding upon the Commission in any subsequent investigation where valuation may be an issue.

The witness stated that the population of the Town was estimated to be 458 as of January 1, 1967.

Applicant plans to complete the gas distribution extension and system before January 1, 1970 if sufficient applications for gas service can be obtained. The Town is entitled to revoke the franchise at that time if gas service is not commenced.

The rates presently on file and in effect for the "Front Range" division of Applicant will be utilized for the furnishing of gas service in the area proposed to be served.

All gas will be odorized prior to sale to customers.

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

##### THE COMMISSION FINDS:

That the above and foregoing statement is hereby made a part of these Findings by reference.

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

That the Commission is fully advised in the premises.

That the public convenience and necessity require, and will require, the construction by Public Service Company of Colorado, of a gas distribution main to and a gas distribution system in the Town of Nederland and the contiguous area, the exercise by said Company of the franchise rights granted by said Town for the distribution and sale therein of gaseous fuel or mixtures thereof, and require the distribution of said gas by Applicant in the area contiguous thereto, and along the gas distribution main to be extended to the town.

That Applicant should odorize all gas prior to sale to its customers.

#### O R D E R

##### THE COMMISSION ORDERS:

That the public convenience and necessity require, and will require the construction by Public Service Company of Colorado of a gas distribution main to and a gas distribution system in the Town of Nederland and the contiguous area, the exercise by said Company of the franchise rights granted by said Town of Nederland for the distribution and sale therein of gaseous fuel or mixtures thereof, the distribution and sale of gas in the area contiguous to the town along the gas distribution main to be extended to the town, and this Order shall be deemed a Certificate of Public Convenience and Necessity therefor, subject to the termination for non-performance as contained in said franchise.

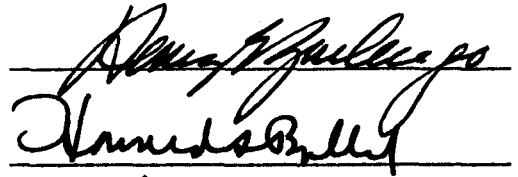
That Public Service Company of Colorado shall install, operate and maintain its gas system and supply service in the areas heretofore designated in accordance with schedules of gas rates, classifications, rules and regulations to be filed with this Commission, or as the same may be changed according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

All gas sold by Applicant shall be odorized prior to sale to its customers.

That Public Service Company of Colorado shall continue to maintain its books and accounts in accordance with the Uniform System of Accounts, and its construction and operating practices shall at all times be in compliance with the Rules of the Public Utilities Commission of the State of Colorado Regulating the Service of Gas Utilities within the State of Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 26th day of January, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
550 - 15TH STREET, DENVER, COLORADO )  
FOR AN ORDER GRANTING TO IT A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND NE- )  
CESSITY TO EXERCISE FRANCHISE RIGHTS )  
FOR THE PRODUCTION, MANUFACTURE, PUR- )  
CHASE, STORAGE, TRANSMISSION AND DIS- )  
TRIBUTION OF GASEOUS FUELS OR MIXTURES )  
THEREOF IN THE CITY OF FORT COLLINS, )  
LARIMER COUNTY, COLORADO, AND TO DIS- )  
TRIBUTE AND SELL GAS IN THE AREA CON- )  
TIGUOUS TO THE CITY. )

APPLICATION NO. 22934

-----

-----  
January 26, 1968  
-----

Appearances: Lee, Bryans, Kelly & Stansfield,  
Esqs., Denver, Colorado, by  
Donald D. Cawelti, Esq., Denver,  
Colorado, for Applicant;  
Girts Krumins, Esq., and  
Paul M. Brown, Denver, Colorado,  
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Public Service Company of Colorado filed an application with this Commission, seeking a certificate of public convenience and necessity authorizing the exercise of franchise rights granted by the City of Fort Collins, County of Larimer, Colorado for the production, manufacture, purchase, storage, transmission and distribution of gaseous fuels or mixtures thereof, in said City, and to supply gas in an area contiguous to the City.

The matter was set for hearing, after due notice to all interested parties, on January 22, 1968 at 10:00 o'clock A.M., in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. At said time and place the matter was duly heard by the Commission and at the conclusion of the hearing taken under advisement.

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

Applicant is a corporation, organized and existing under and by virtue of the laws of the State of Colorado, and is a public utility operating company subject to the jurisdiction of this Commission, engaged primarily in the purchase, generation, transmission and distribution of electric energy, and in the purchase and distribution of natural gas at various points within the State of Colorado. A certified copy of Applicant's Composite Certificate of Incorporation, together with all amendments thereto, has heretofore been filed with this Commission.

Applicant showed that on August 24, 1967, Ordinance No. 40, 1967 of the City of Fort Collins was passed and adopted by the City Council, which Ordinance set forth the terms of a franchise for the distribution of gaseous fuels in said City and submitting the same to the vote of the qualified taxpaying electors of the City at a special election called by said ordinance. That at said election said franchise was approved by a vote of 2928 to 89. Said franchise was accepted by Applicant on October 10, 1967. A copy thereof, together with copies of the Certification of Results of said election and of Applicant's acceptance, was attached to the application as Exhibit A.

The term of said franchise is twenty years.

A map of the gas distribution system in the City and general area was attached to the application as Exhibit B. These exhibits, by reference, are made a part hereof.

The application also requested authority to serve gas in the area contiguous to the City.

Witness for Applicant, Mr. D. E. Lichtenwalter, testified that Applicant obtains its natural gas for distribution and sale in Fort Collins from the pipelines of the Western Slope Gas Company, a wholly owned subsidiary. A map of the pipeline facilities of said Company was introduced at the hearing as Exhibit C.

The existing facilities will be utilized in continuing said gas service. There is no other public utility in the business of distributing gas in said City of Fort Collins. Applicant is serving 8975 residential gas customers in the City as of December 1967. The population of Fort Collins was 25,027 at the time of the 1960 Census, but is now estimated to be close to 40,000.

Witness estimated that \$10,000,000 additional capital investment in the gas distribution system in the City of Fort Collins during the term of the franchise will be necessary. This amount will be used in determining the issuance fee, but will not be binding on the Commission at any time when valuation may be an issue.

The Commission has reviewed the instant application and the evidence presented by Applicant in support thereof. The Commission is of the opinion that the authority sought herein should be granted.

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

##### THE COMMISSION FINDS:

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

That the Commission is fully advised in the premises.

That the public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise rights granted in and by Ordinance No. 40, 1967 of the City of Fort Collins, for the production, manufacture, purchase, storage, transmission and distribution of gaseous fuels by Public Service Company of Colorado in said City, and further require the distribution of gas in the area contiguous to the City.

#### O R D E R

##### THE COMMISSION ORDERS:

That public convenience and necessity require, and will require, the exercise by Public Service Company of Colorado, of the franchise



rights granted in and by Ordinance No. 40, 1967 of the City of Fort Collins, marked Exhibit A herein, which by reference is made a part hereof for the production, manufacture, purchase, storage, transmission and distribution of gaseous fuel by Public Service Company of Colorado in said City, and further require the distribution of gas in the area contiguous to the City, and this Order shall be taken, deemed, and held to be a certificate of public convenience and necessity therefor.

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

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

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  


  
\_\_\_\_\_  
Commissioner

Dated at Denver, Colorado  
this 26th day of January, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION	)	
OF DOROTHY D. STEEN, EXECUTRIX OF	)	
THE ESTATE OF T. C. STEEN, DECEASED,	)	
16051 EAST COLFAX, AURORA, COLORADO,	)	<u>APPLICATION NO. 22820-PP-Transfer</u>
FOR AUTHORITY TO TRANSFER PERMIT	)	
NO. B-5802 TO JAMES D. CRABDREE,	)	
1162 LAREDO STREET, AURORA,	)	
COLORADO.	)	

-----  
January 29, 1968  
-----

Appearances: Dorothy D. Steen, Aurora, Colorado,  
pro se, the Transferor;  
James D. Crabdree, Aurora, Colorado,  
pro se, the Transferee.

PROCEDURE AND RECORD

On September 22, 1967, Dorothy D. Steen, Executrix of the Estate of T. C. Steen, Deceased, 16051 East Colfax, Aurora, Colorado, and James D. Crabdree, 1162 Laredo Street, Aurora, Colorado, filed the instant joint application (No. 22820-PP-Transfer) with this Commission seeking authority to transfer Permit No. B-5802 from T. C. Steen to James D. Crabdree. On September 25, 1967, the Staff of the Commission issued temporary authority to so operate to James D. Crabdree for a period of ninety days and again issued an additional ninety-day authority on December 28, 1967.

On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, at 10 a.m. on November 10, 1967. On January 23, 1968, the said Examiner pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record of the proceeding together



with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Hearing Examiner establishes that no one appeared to protest the granting of the application.

The Commission has now given careful consideration to the record of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. T. C. Steen, former holder of this authority, is now deceased and his widow, Dorothy D. Steen, was appointed Executrix of the Estate, pursuant to Letters Testamentary dated February 15, 1967.
2. By reason of Amended Decree from the Probate Court submitted January 19, 1968, Dorothy D. Steen, Transferor, is the present owner and operator of Permit No. B-5802, which generally authorizes the transportation of sand and gravel.
3. Transferee herein, James D. Crabtree, holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement and, pursuant to said Agreement, the consideration to be paid for this transfer is \$20, which is fair and reasonable.
5. The Permit is free and clear of any debts, encumbrances or obligations.
6. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
7. Transferee is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. The transfer is compatible with the public interest and should be granted.

## CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of her right, title and interest in and to Permit No. B-5802 to James D. Crabdree. Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto.

## O R D E R

### THE COMMISSION ORDERS:

That Dorothy D. Steen, individually and as the Executrix of the Estate of T. C. Steen, Deceased, 16051 East Colfax, Aurora, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to Permit No. B-5802 to James D. Crabdree, 1162 Laredo Street, Aurora, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-5802 shall be as follows, to-wit:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; transportation of road-surfacing materials restricted against the use of tank vehicles."

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


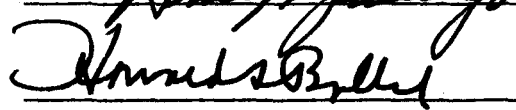

of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 29th day of January, 1968.  
sl

(Decision No. 70755)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WARD TRANSPORT, INC., P. O. BOX 133,	)	
PUEBLO, COLORADO, FOR A CERTIFICATE OF	)	<u>APPLICATION NO. 22981-Extension</u>
PUBLIC CONVENIENCE AND NECESSITY	)	
AUTHORIZING EXTENSION OF OPERATIONS	)	
UNDER PUC NO. 1497.	)	

-----  
January 29, 1968  
-----

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant herein sought a certificate of public convenience and necessity authorizing extension of operations under PUC No. 1497 to include transportation of fertilizer, fertilizer compounds, and fertilizer ingredients, in bulk, from Denver, to points in Colorado, and rejected shipments on return.

Said application was regularly set for hearing before the Commission at 10 a.m., on February 9, 1968, at 532 State Services Building, Denver, Colorado.

The Commission has received a communication from Marion F. Jones, Attorney for the Applicant, stating that said Applicant no longer desires to prosecute said application and requesting dismissal thereof.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

ORDER


THE COMMISSION ORDERS:

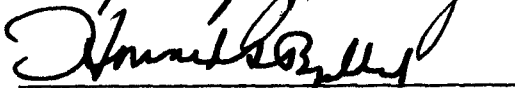
That hearing of Application No. 22981-Extension, presently set for February 9, 1968, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 22981-Extension be, and the same hereby  
is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 29th day of January, 1968.  
sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
AIR TRAINING CENTER, INC., P. O. )	
BOX 287, GREELEY, COLORADO, FOR )	APPLICATION NO. 22950-Transfer
AUTHORITY TO TRANSFER PUC NO. AC-41 )	<u>SUPPLEMENTAL ORDER</u>
TO MARTIN AVIATION, INC., ROUTE 4, )	
BOX 173M, GREELEY, COLORADO. )	

-----  
January 29, 1968  
-----

Appearances: Ernest L. Martin, Greeley, Colorado,  
for Transferor and Transferee;  
Raymond Wilson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

On January 16, 1968, the Commission entered Decision No. 70729 in the above-styled application, authorizing transfer of PUC No. AC-41.

It now appears that the Commission, through inadvertence, incorrectly required the transferor herein to file an annual report covering the operations under said certificate up to the time of transfer of said certificate.

In view of the above and foregoing, the Commission states and finds that Decision No. 70729, dated January 16, 1968, should be amended as set forth in the Order following.

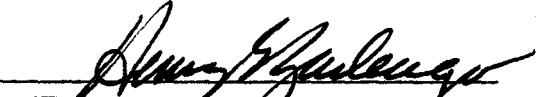
O R D E R

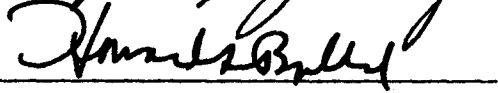
THE COMMISSION ORDERS:

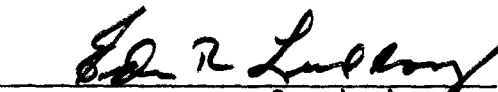
That Decision No. 70729, be, and the same hereby is, amended, nunc pro tunc, as of January 16, 1968, by striking and deleting therefrom the entire third paragraph, appearing on page 4 of the Order therein contained.

That, except as herein amended, Decision No. 70729 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 29th day of January, 1968  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF SAN LUIS VALLEY RURAL ELECTRIC )  
COOPERATIVE, INC., A COLORADO )  
CORPORATION, MONTE VISTA, COLORADO, )  
FOR AN ORDER AUTHORIZING THE ISSUANCE )  
OF SECURITIES AND THE APPLICATION OF )  
THE PROCEEDS THEREFROM TO CERTAIN )  
LAWFUL PURPOSES. )

APPLICATION NO. 22992-Securities

-----  
January 26, 1968  
-----

Appearances: William O. DeSouchet, Jr., Esq.,  
Alamosa, Colorado, for Applicant;  
E. R. Thompson, Denver, Colorado,  
and  
J. M. McNulty, Denver, Colorado,  
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By this application San Luis Valley Rural Electric Cooperative, Inc. (San Luis) seeks authority from this Commission to issue a mortgage note in the principal amount of \$726,000 payable to the United States of America bearing interest at the rate of two percent (2%) per annum and payable within thirty-five (35) years after date thereof, a supplemental mortgage to secure such note, and approval of an amendment dated as of March 8, 1967 to amending loan contract dated as of February 14, 1964 between San Luis Valley Rural Electric Cooperative, Inc. and The United States of America, setting a maximum which may be borrowed by the Applicant at \$6,774,000.

The matter was set for hearing after due notice to all interested parties on January 23, 1968, at 10 o'clock A.M. in the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado, and was there heard by the Commission, on joint record with Application No. 22991, and at the conclusion thereof taken under advisement.



No protests were filed with the Commission with regard to this application, and no one appeared at the hearing in opposition to the granting of the authority sought.

Applicant is engaged in the business of purchasing, acquiring, transmitting, distributing, furnishing and selling electricity to its members and non-member consumers on its lines in the counties of Alamosa, Conejos, Rio Grande, Mineral, Hinsdale, Costilla and Saguache in the State of Colorado, and owns and operates certain electric distribution and transmission lines and related facilities in said Counties. The number of consumers December 31, 1967 totalled 4,271.

Applicant's witness, Ray W. Villyard, General Manager, testified summarily as follows: San Luis needs additional funds for improvements in its system and for the construction, completion, extension and improvement of its properties and for the improvement and maintenance of its service and for other lawful purposes. To obtain these additional funds, San Luis has entered into an amending loan contract with The United States of America, Exhibit G, entered into evidence in this proceeding. In compliance with this amending loan contract, The United States Government proposes to loan San Luis \$726,000, to be evidenced by a mortgage note, Exhibit A, in such principal amount, secured by a supplemental mortgage, Exhibit B herein.

San Luis proposes to use the \$726,000 for the construction and installation of the following electric facilities:

Distribution

93.3 miles of single phase including secondary and services to serve 338 domestic consumers	\$191,300
50.1 miles of three phase including secondary and services to serve 187 irrigation wells	183,960
0.5 miles of three phase #1/0 ACSR tie line south of Plaza Substation to shorten feed and improve voltage regulation	2,100
Covert 0.3 miles of single phase #4 ACSR to three phase #4 ACSR east of LaGarita Substation to improve voltage regulation in the area	810
Transformers and Meters:	
To serve 358 new domestic consumers	
275 single phase transformers (5 thru 25 KVA)	68,760
198 single phase meters	5,940

To serve 187 irrigation wells	
187 banks of (3) single phase trans-	
formers (5 to 50 KVA)	\$177,350
187 three phase meters	12,390
To increase the capacity of 120 existing	
domestic services (change out 3 and 5	
KVA to 10 and 25 KVA)	31,100
Sectionalizing Equipment:	
Two 200 amp reclosers for Carmel Substation	
area to replace present 100 amp reclosers	
with insufficient fault interrupting	
capacity	1,800
Three 100 amp single phase reclosers to pro-	
vide additional sectionalizing on single	
phase taps	660
Three single phase sectionalizers to section-	
alize taps off Wolf Creek Line (South	
Fork Substation)	330
Regulators:	
One bank of (3) step type, 57.2 KVA, Ansel	
Substation, north circuit to improve	
voltage regulation in Meadow Ranch area	9,000
Two single phase step type, 37.5 KVA, Creede	
Substation, Hinsdale tap to provide	
adequate voltage in Hinsdale County	5,400
One single phase step type the Sand Dunes	
tap (Hooper Substation)	2,700
One bank of (3) step type, 57.2 KVA,	
LaGarita Substation, east circuit to improve	
voltage during irrigation season	9,000
One bank of (3) step type, 67.2 KVA, Plaza	
Substation, South Circuit, to improve	
voltage during irrigation season	9,000
One single phase, step type in single phase	
line serving Pinos Creek area	2,700
Other:	
(90) 175 watt mercury vapor yard lights	<u>11,700</u>
Total Distribution	\$726,000

Mr. Villyard also stated that San Luis patronage capital and operating margins totaled \$57,575 for the year 1967, which compares with \$56,271 for the year 1966. He stated that San Luis operating revenues could be substantially affected by the amount of irrigation pumping using electricity for power. The year 1967 might be considered a normal year and that such operating margins could be expected in the future when not adversely affected by rainfall.

With regard to the expected draw down of the \$726,000 loan funds, he said that the proposed construction utilizing such funds would no doubt be completed within the next two years.

Mr. Wade Wood, Office Manager and Accountant for San Luis pointed out that it had a total debt of \$3,809,461 and margins and equities of \$824,592 for a total capitalization of \$4,634,052. The relationship of total equity to total capitalization is 17.8%. Funds which could be considered as contingency reserve for emergencies amounts to \$382,753. In addition, such funds equal to the current debt repayments are available from San Luis's advance payments totaling \$474,755 as of November 30, 1967. San Luis is current in its payment of interest and repayment of debt, and it was Mr. Wood's opinion that San Luis would experience no difficulty in meeting the additional debt service requirements resulting from this borrowing of \$726,000.

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

##### THE COMMISSION FINDS:

That Applicant, San Luis Valley Electric Cooperative, Inc., is a public utility as defined by Section 115-1-3, Colorado Revised Statutes, 1963.

That this Commission has jurisdiction over said applicant and the subject matter of this application.

That this Commission is fully advised in the premises.

That the issuance by San Luis Valley Rural Electric Cooperative, Inc. of a mortgage note in the amount of \$726,000, Exhibit A herein in this proceeding, should be authorized and approved.

That the amendment dated as of March 8, 1967 to amending loan contract dated February 14, 1964, Exhibit G herein, should be authorized and approved.

That the supplemental mortgage made by San Luis Valley Rural Electric Cooperative, Inc., Exhibit B herein, should be authorized and approved.

That within one hundred twenty (120) days of the execution of the mortgage note for \$726,000 authorized herein, applicant should file with the Commission one conformed copy of such executed note and of each other document made in connection therewith.

That the issuance of the mortgage note in the amount of \$726,000 is not inconsistent with the public interest and the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

O R D E R

THE COMMISSION ORDERS:

That the issuance of a mortgage note for \$726,000 by San Luis Valley Rural Electric Cooperative, Inc. to the United States of America, Exhibit A herein, be, and the same is hereby, authorized and approved.

That the amendment dated as of March 8, 1967 to amending loan contract dated February 14, 1964 between San Luis Valley Electric Cooperative, Inc. and the United States of America, Exhibit G herein, be, and the same is hereby, authorized and approved.

That the supplemental mortgage made by San Luis Valley Rural Electric Cooperative, Inc., Exhibit B herein, be, and the same is hereby, authorized and approved.

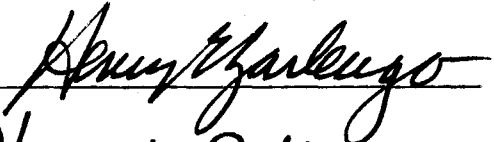
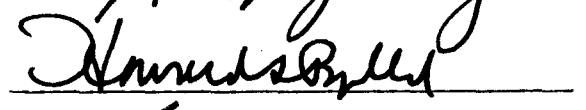
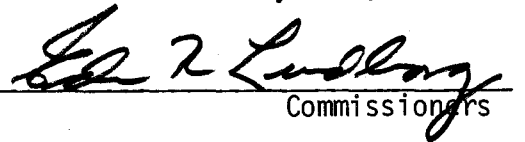
That within one hundred twenty (120) days of the execution of the mortgage note for \$726,000 authorized herein, San Luis Valley Rural Electric Cooperative, Inc. shall file with the Commission one conformed copy of such executed note and of each other document made in connection therewith.

That nothing herein shall be construed to imply any recommendation or guarantee of or any obligation with respect to said issue of the aforementioned securities on the part of the State of Colorado.

That the Commission maintains jurisdiction of these proceedings to the end that it may make such further Order or Orders in the premises as to it may seem proper and desirable.

That the authority herein granted shall be exercised from  
and after this date, this Order being made effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE REDUCED RATES, BEER IN CONTAINERS,  
INCLUDING PALLETS, DUNNAGE AND SHIPPER'S  
ADVERTISING MATERIAL, BETWEEN GOLDEN AND  
DENVER, COLORADO, AND OTHER NEARBY POINTS  
-----

)  
) Investigation and Suspension  
) Docket No. 602  
)

-----  
January 25, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 13, 1967, Acme Delivery Service, Inc., Walter E. Rumpf, Vice President, filed with the Commission Local Motor Freight Tariff No. 12, Colorado PUC No. 12, naming reduced rates and charges for the transportation of beer, in containers, including pallets, dunnage and shipper's advertising material, scheduled to become effective November 13, 1967.

Upon receipt of a protest filed for and on behalf of Westway Motor Freight, Inc., by Leslie R. Kehl, Attorney for Protestant, said schedule was suspended by Decision No. 70368, to and including March 12, 1968. On November 24, 1967, by Decision No. 70464, said matter was continued, to be reset for hearing at a later date, to be determined by the Commission. On January 4, 1968, by Decision No. 70647, the Commission reset the matter for hearing at 10:00 o'clock a.m., February 2, 1968, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

On November 29, 1967, Respondent Acme Delivery Service, Inc., by Raymond B. Danks, its Attorney, filed a reply denying, in part, the allegations of the Protestant, and asking that the proceeding be vacated and that the proposed rates be allowed to go into effect.

On January 15, 1968, Westway Motor Freight, Inc., by David E. Driggers, Attorney for Protestant, filed an application for a subpoena requiring Mr. Joseph Alan Brisson, Secretary, The Brisson Trucking Company, Inc., Golden, Colorado, to appear for the purpose of taking his

deposition before a Notary Public at 10:00 o'clock a.m. Wednesday, January 24, 1968, in the offices of Counsel for the Protestant. Pursuant to the application, the Commission issued its Subpoena, dated January 15, 1968, requiring the appearance of Mr. Joseph Alan Brisson at said time and place.

On January 18, 1968, Westway Motor Freight, Inc., by David E. Driggers, Attorney for Protestant, filed two applications for the issuance of Subpoenas Duces Tecum, directing that Joseph Alan Brisson, Secretary of the Brisson Trucking Company, Inc., and JAJ Leasing Company, Golden, Colorado, and Jack Grunwald, President, Acme Delivery Service, Inc., Denver, Colorado, produce certain documents and records at the Hearing Room, The Public Utilities Commission, 532 State Services Building, Denver, Colorado, on February 2, 1968. Pursuant to the applications, the Commission issued its Subpoenas Duces Tecum, dated January 18, 1968, requiring said documents and records be produced at 10:00 o'clock a.m., on February 2, 1968, at the Hearing Room, 532 State Services Building, Denver, Colorado.

The Commission is now in receipt of a letter dated January 23, 1968, by Walter E. Rumpf, Vice President, for Acme Delivery Service, Inc., respondent, requesting that Respondent be allowed to withdraw the suspended tariff. Upon consideration of said request, the Commission finds that the respondent should be allowed to withdraw Acme Delivery Service, Inc., Local Motor Freight Tariff No. 12, Colorado PUC No. 12; that the subpoenas hereinbefore referred to should be vacated; that the proceeding under Investigation and Suspension Docket No. 602 should be vacated, and the proceeding discontinued.

#### O R D E R


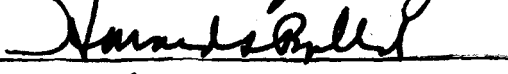
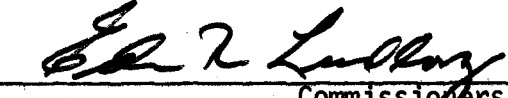
##### THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.

2. That the respondent herein be, and it is hereby, notified and required to cancel Local Motor Freight Tariff No. 12, Colorado PUC No. 12, referred to in Decision No. 70368, dated November 6, 1967, on or before February 15, 1968, upon notice to the Commission and the general public by not less than one day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.

3. That the hearing set for 10:00 o'clock a.m. February 2, 1968, at Denver, Colorado, be, and the same hereby is, vacated, and the proceeding discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
25th day of January, 1968. av



(Decision No. 70759)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GREELEY GAS COMPANY, 1500 GRANT STREET, )  
DENVER, COLORADO, FOR AN ORDER )  
AUTHORIZING IT TO FILE AND PLACE )  
INTO EFFECT NEW AND REVISED SCHEDULE )  
OF RATES FOR THE SALE OF NATURAL GAS )  
IN ITS CRAIG, MOFFAT COUNTY, COLORADO )  
SERVICE AREA. )

APPLICATION NO. 22976

-----  
January 26, 1968  
-----

Appearances: Lee, Bryans, Kelly & Stansfield, Esq.,  
550 - 15th Street, Denver, Colorado,  
by E. A. Stansfield, Esq.  
for Applicant;  
M. Raymond Garrison, Denver, Colorado,  
of the Staff and  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above-entitled application was filed with this Commission on December 15, 1967, and by said application, Applicant seeks to increase its rates for firm gas service to its customers in its Craig, Moffat County service area.

The Commission set the matter for hearing, after due notice to all interested parties, on January 17, 1968, at 8:30 a.m., in the District Court Room, Court House, Craig, Colorado. At said time and place this matter was duly heard by the Commission and at the conclusion of said hearing taken under advisement.

No written protests were filed nor did any one appear in protest to this application in person at the hearing.

Applicant is a Colorado corporation and is a public utility operating company subject to the jurisdiction of this Commission as to its utility operations in Colorado. Applicant also operates in the States of Minnesota and Kansas. In addition to its operations in Moffat

County, Applicant also operates as a public utility for the purchase, sale and distribution of natural gas in Greeley and certain other towns and communities in Weld County; in the Town of Meeker in Rio Blanco County; the Towns of Hayden and Steamboat Springs in Routt County; and in the cities of Canon City, South Canon and adjacent areas in Fremont County, Colorado. Its principal office is located in Denver, Colorado, and it maintains local offices within its operating areas in Colorado. A certified copy of Applicant's Articles of Incorporation, together with all amendments thereto, have previously been filed with this Commission.

Applicant holds certificates of public convenience and necessity from this Commission for its operations in Moffat County.

In its Craig (or Moffat County) service area, Applicant purchases gas from Continental Oil Company and from Western Slope Gas Company for sale and distribution in said service area. The gas purchased from Continental is, however, transported by Western Slope Gas Company and subject to a transportation charge by the latter.

Evidence was introduced at the hearing showing that the Applicant's rate of return on net investment in its Craig Service Area has steadily decreased since the last rate adjustment due to continual increases in operating expenses, primarily labor cost, taxes other than income, and due to additional investment in utility plant needed to improve and extend service in the Craig area. Exhibits and testimony introduced by the Applicant indicate the rate of return on the average net investment during the test year ending September 30, 1967 to be 3.13%, while the Staff Exhibits indicate a rate of return of 2.14% for book values and 3.52% after in and out of period adjustments for the test year. The differences stem mainly from the way income taxes are treated. For the purposes of this application, we hold that the rate of return on net investment in Applicant's Craig Service Area is inadequate in any event, and the differences between Applicant's and Staff's compilations need not be considered.

### Rate Base

The Applicant and Staff both introduced evidence indicating that the average net investment for the test period was \$233,679. This rate base has been identically computed using the elements previously approved by this Commission, therefore no further comment is necessary, and we will use the rate base of \$233,679.

### Income and Expenses

Both Applicant and Staff adjusted the test year income and expenses to reflect degree day normalization based on a test year average. Both Applicant and Staff agree that revenues for the test year, after adjustments, amount to \$265,345 at existing rate schedules. Further adjustments were made to reflect unbilled revenues, wage increases in effect as of October 1, 1967, extraordinary maintenance expenses incurred during the test year and local contributions. These adjustments are reflected in Applicant's Exhibit C, and Staff Exhibit 1. A further adjustment was made by Applicant to the Craig office rent to the effect that would be obtained if the building were owned by the Applicant rather than leased, and allocations to merchandising and Meeker and Steamboat Springs service areas. Testimony by the Staff indicated that while there was some disagreement by the Staff as to the allocation made to non-utility uses by the Applicant, no evidence was introduced as to what changes the Staff felt were necessary except to say that they were minor. Further out-of-period adjustments were made in Applicant's Exhibit C and Staff Exhibit 1 to reflect known expense increases for postage because of increase of first class postage rates to 6¢ and increased FICA tax costs because of the increase in base salaries on which this tax is levied. There being no evidence to the contrary, we will accept the expenses, except income tax, to be \$258,181 as adjusted for the test year.

### Rate of Return

The Applicant requests a rate of return on net investment of 6.90%. Applicant shows in Exhibit B the rate of return on the net investment in its other Colorado service areas to be 6.52%. Applicant

further introduced evidence tending to indicate that the 6.90% rate of return was "on the low side" and that new financing in the form of long term debt and preferred stock may be at rates of 7% to 7½%.

In our more recent decisions regarding the rate of return on net investment by the Applicant, in particular, in the decisions in Application No. 20658, dated September 10, 1964 (Moffat County Case), and in Application No. 20373 (Weld County Case), dated August 21, 1964, we held that a rate of return of 6.5% is a fair return on rate base. No substantial difference in capital costs or the capital structure of the Applicant, as of the end of the test year on September 30, 1967, is indicated that would tend to influence the decision of this Commission. To make allowances for increased interest rates of any new financing in the future would, at this time, be purely speculative.

Staff Exhibit 3 was introduced showing that a rate of return of 6.52%, which, according to Applicant's evidence is equal to the rate of return of Applicant's net investment in other Colorado Service areas under our jurisdiction, would produce a return of 8.30% on common equity. In view of the fact that the Craig Service Area is but a small portion of Applicant's total operations, and that Applicant is not requesting a complete review of the rates for its entire Colorado operation under the jurisdiction of this Commission, and further considering our prior decisions, we hold that the fair rate of return on Applicant's net investment in the Craig, Moffat County, service area is 6.52%.

In this regard, we agree with Staff Exhibit 1 which shows that the revenues required to produce a 6.52% rate of return amount to \$279,556, based on the test year, as adjusted. It should be noted that the Staff figure differs from the revenue requirement calculated by the Applicant in Exhibit C only to the extent that the rates of return differ, including a corresponding income tax adjustment.

#### Cost of Gas

Evidence was introduced at the hearing indicating that Applicant's cost of gas will increase in 1968 due to several factors which

will be discussed below.

First, Applicant's contract with Continental Oil Company, which supplies a major part of the gas for Applicant's Craig market, provides for an increase from 16¢ to 17¢ per MCF effective October 20, 1968. In addition, additional facilities are needed to transport this gas to the Craig market. At the present time, the Continental gas is transported for the Applicant by the Western Slope Gas Company at a cost of 3½¢ per MCF so transported. The contract pursuant to which this gas is transported apparently does not provide for additional facilities to be constructed by Western Slope Gas Company. The Applicant feels, and the Commission agrees, that it would not be in the public interest that these facilities, consisting of gathering lines and dehydration facilities, be constructed by the Applicant, but rather that improved operation would be obtained if such facilities be constructed by Western Slope Gas Company.

Witness for the Applicant stated that negotiations are now in progress with Western Slope Gas Company regarding construction of these facilities which are essential to assure future adequate and continued supply from Continental. Applicant's present tariff on file with the Commission contains a cost of gas adjustment (or escalation) clause that may be applied to rates in the Craig Service Area corresponding to increases in the cost of gas, pursuant to our decision in the Moffat County case, supra. While this cost of gas adjustment clause was originally intended to cover variations in the cost of gas per therm because of Btu variations, it is nevertheless equally applicable to other factors affecting the cost of gas.

From the testimony of Applicant's witness, there appeared to be some uncertainty as to how the cost of gas is computed. In order to avoid any discrepancy, Applicant should include in its tariff a more explanatory statement as to this procedure, and such statement should be verified by the Staff to be in accordance with our previous decisions regarding the escalation clause.

## F I N D I N G S

### THE COMMISSION FINDS THAT:

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

The above Statement is made a part of the Findings herein by reference.

The rates as proposed by Applicant in Exhibit C-3 are unjust, unreasonable, discriminatory and should not be permitted to be filed.

Applicant should be permitted to file new rates for gas service in its Moffat County service area increasing the operating revenues based on the test year ending September 30, 1967, as adjusted, from \$265,345 to \$279,556, or an increase of \$14,211.

The above rates when filed will enable Applicant to earn a fair rate of return of 6.52% on the reasonable average value of its property and investment devoted to gas service in Moffat County in the amount of \$233,679.

Applicant should be permitted to file, as part of its tariff in its Moffat County service area, a cost of gas adjustment clause permitting it to increase or decrease its monthly charges for gas service under such tariffs, not inconsistent with our Decision No. 63667, which cost of gas adjustment clause shall enable it to pass on to its customers additional appropriate increases in the cost of gas; in particular, additional proper and necessary transportation charges by Western Slope Gas Company and increase in the cost of gas purchased from Continental Oil Company.

Prior to the acceptance of the tariffs to be filed herein, the cost of gas adjustment clause shall be verified by the Staff of the Commission.

Applicant shall determine and keep a continued record of average daily Btu content of the gas purchased by the Applicant and its monthly cost of gas.

O R D E R

THE COMMISSION ORDERS THAT:

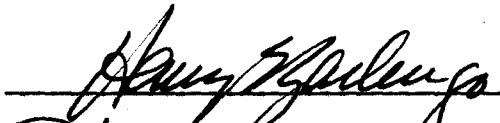
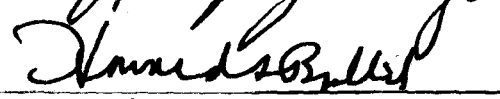
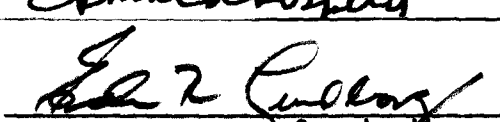
The rates submitted by Greeley Gas Company, as set forth in Exhibit C-3 herein, are not permitted to become effective.

Greeley Gas Company, the applicant, be and hereby is, permitted to file a new schedule of rates for the Moffat County service area to become effective on not less than three days notice to the Commission increasing its rates for firm gas service in the amount of \$14,211 annually.

Greeley Gas Company, the applicant, be, and hereby is, permitted to file a cost of gas adjustment clause in its tariffs for gas sold in the Moffat County service area, said adjustment to be not inconsistent with our Decision No. 63667, and subject to acceptance by the Commission at the time of filing in accordance with our Findings set forth hereinabove.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 26th day of January, 1968.

s1

(Decision No. 70760)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE MOTOR VEHICLE OPERATIONS OF )  
CHARLES E. STRONG AND FRANK A. STRONG, )  
JR., DOING BUSINESS AS "HOWARD )  
HERBERTSON COMPANY," 168 FEDERAL )  
BOULEVARD, DENVER, COLORADO. )

PERMIT NO. B-6757

-----

-----  
January 26, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from the above-styled certificate holders requesting authority to do business under the trade name and style of Charles E. Strong and Frank A. Strong, Jr., doing business as "Strong Bros. Excavating," in lieu of Charles E. Strong and Frank A. Strong, Jr., doing business as "Howard Herbertson Company," in the conduct of operations under Permit No. B-6757.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That Charles E. Strong and Frank A. Strong, Jr., doing business as "Howard Herbertson Company," be, and hereby are, authorized to conduct operations under the trade name and style of Charles E. Strong and Frank A. Strong, Jr., doing business as "Strong Bros. Excavating," in the conduct of operations under Permit No. B-6757, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.



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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Alvin E. Zaslavsky  
Donald B. Miller  
Ed R. Lindsay  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1968.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
DEWEY BLAIR, WILLIAM L. BLAIR AND )	
KENNETH W. BLAIR, DOING BUSINESS AS )	
"DEWEY BLAIR & SONS," BOX 403, OLATHE, )	
COLORADO, FOR AUTHORITY TO TRANSFER )	<u>PUC NO. 5073-I - Transfer</u>
INTERSTATE OPERATING RIGHTS TO WILLIAM )	
L. BLAIR, KENNETH W. BLAIR AND LENA L. )	
BLAIR, DOING BUSINESS AS "DEWEY BLAIR )	
& SONS," BOX 403, OLATHE, COLORADO. )	
-----	

-----  
January 26, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Dewey Blair, William L. Blair and Kenneth W. Blair, doing business as "Dewey Blair & Sons," Olathe, Colorado, were granted a certificate of public convenience and necessity, being PUC No. 5073-I, authorizing operation as a common carrier by motor vehicle for hire:

"Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Said transferors now seek authority to transfer PUC No. 5073-I to William L. Blair, Kenneth W. Blair and Lena L. Blair, doing business as "Dewey Blair & Sons," Olathe, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R



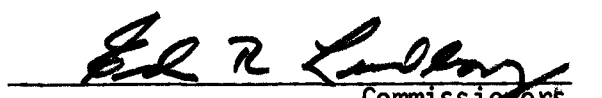
THE COMMISSION ORDERS:

That PUC No. 5073-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- be, and

hereby is, authorized to be transferred to William L. Blair, Kenneth W. Blair and Lena L. Blair, doing business as "Dewey Blair & Sons," Olathe, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1968.  
1s

(Decision No. 70762)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VERNON DEAN SMITH, DOING BUSINESS )  
AS "ROCKY MOUNTAIN CONTRACTORS," )  
2956 SOUTH FENTON, DENVER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )

APPLICATION NO. 22935-PP

-----

-----  
January 26, 1968  
-----

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 20, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such Notice failed to appear in person or by representative.

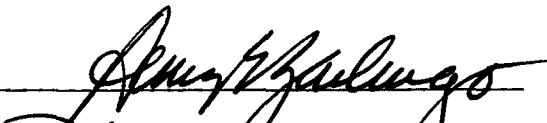

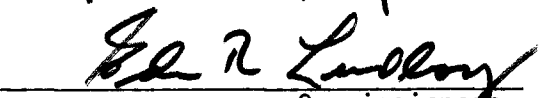
The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22935-PP be, and the same is hereby,  
dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1968.  
1s

(Decision No. 70763)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF JERRY GLEN WRIGHT, BOX 22, )  
KREMMLING, COLORADO, FOR A CLASS )  
"B" PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
-----

APPLICATION NO. 22938-PP

-----  
January 26, 1968  
-----

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 27, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such Notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22938-PP be, and the same is hereby,  
dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin G. Gault*

*Donald B. Miller*

*Ed R. Ludlow*

Commissioners

Dated at Denver, Colorado,  
this 26th day of January, 1968.  
ls

(Decision No. 70764)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
RALPH MARTINEZ, 3358 MARIPOSA STREET,	)	
DENVER, COLORADO, FOR A CLASS "B"	)	<u>APPLICATION NO. 22850-PP</u>
PERMIT TO OPERATE AS A PRIVATE	)	
CARRIER BY MOTOR VEHICLE FOR HIRE.	)	
-----		

-----  
January 26, 1968  
-----

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 6, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice, the application was called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such Notice, failed to appear in person or by representative.

The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein application be dismissed for failure to prosecute.





BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
BOYCE BALLARD, DOING BUSINESS AS )	
"BALLARD TIMBER COMPANY," 461 ROSE )	<u>APPLICATION NO. 22928-PP</u>
STREET, CRAIG, COLORADO, FOR A CLASS )	
"B" PERMIT TO OPERATE AS A PRIVATE )	
CARRIER BY MOTOR VEHICLE FOR HIRE. )	
-----	

-----  
January 29, 1968  
-----

Appearances: E. D. Davis, Esq., Craig,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 16, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

### EXAMINER FINDINGS OF FACT

1. Applicant is an individual.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The authority will be in the public interest and should be granted as hereinafter set forth.

### EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 200 miles of said forests; rough lumber, from sawmills in said 200-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Boyce Ballard, doing business as "Ballard Timber Company," Craig, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire as follows, to-wit:

"Transportation of logs, poles and timber products, from forests to sawmills, places of storage and loading points within a radius of 200 miles of said forests; rough lumber, from sawmills in said 200-mile radius to markets in the State of Colorado; provided, however, that no town-to-town service shall be rendered;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


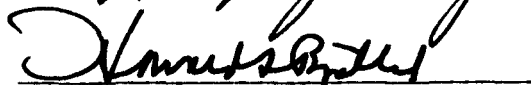

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1968.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. CLAYTON AND G. C. CLAYTON, )  
DOING BUSINESS AS "C. E. CLAYTON & )  
SON," P. O. BOX 26, FRASER, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 22694-PP

-----

-----  
January 29, 1968  
-----

Appearances: G. C. Clayton, Fraser, Colorado,  
for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 10, 1967, the above-entitled application was filed requesting authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said application -- who, pursuant to the provisions of 1963 CRS 115-6-9 (2), has transmitted to the Commission the record and exhibits of the instant proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner discloses that no one appeared at the hearing to intervene or to protest the granting of the authority as requested.

All motions granted or denied by the Examiner, if any, are hereby confirmed by the Commission.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

### EXAMINER FINDINGS OF FACT

1. Applicant is a partnership.
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
4. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provisions for insurance.
5. There is a present and special need for the service and, if this application is granted, Applicant will enter into special carriage contracts with customers to perform services thereunder.
6. The proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
7. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

### EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and authorizing Applicant to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles."

The Commission has given careful consideration to the record and exhibits in the above-entitled proceeding and to the Findings of Fact and Conclusions submitted by the Examiner. Now, therefore, pursuant to

the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Findings of Fact and Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That C. E. Clayton and G. C. Clayton, doing business as "C. E. Clayton & Son," Fraser, Colorado, be and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire as follows, to-wit:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 75 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 75 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 75 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 75 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles;"

and this ORDER shall be deemed to be, and be, a PERMIT therefor.


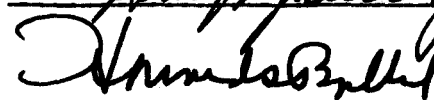
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1968.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF HENRY )  
OZAWA, 405-11TH STREET, ALAMOSA, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 22752-PP  
SUPPLEMENTAL ORDER

-----  
January 30, 1968  
-----

Appearances: Leonard M. Haynie, Esq., Alamosa,  
Colorado, for Applicant;  
Elizabeth A. Conour, Esq., Del Norte,  
Colorado, for Fred Gibson, dba Gibson Truck  
Line, Protestant;  
William O. DeSouchet, Jr., Esq.,  
Alamosa, Colorado, for G & G  
Trucking Company, Protestant.

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicant herein sought a Class "B" permit to operate as a private carrier by motor vehicle for hire.

Said application was regularly reset for hearing before the Commission at 9 a.m., on February 6, 1968, at Alamosa, Colorado.

The Commission is now in receipt of a communication from the Applicant herein stating that he no longer desires to prosecute said application and requesting dismissal thereof.

The Commission states and finds that said request should be granted as set forth in the Order following.

O R D E R

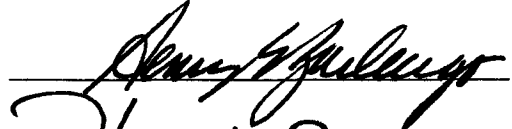
THE COMMISSION ORDERS:

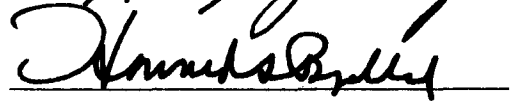
That hearing of Application No. 22752-PP, presently reset for February 6, 1968, at Alamosa, Colorado, be, and the same hereby is, vacated.

That Application No. 22752-PP be, and the same hereby is,  
dismissed, upon request of Applicant herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado  
this 30th day of January, 1968.

s1

(Decision No. 70768)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
TUDOR J. MARKS AND HARRY S. MARKS,	)	
DOING BUSINESS AS "J. R. MARKS PRODUCE	)	
COMPANY," 1206 WOOD AVENUE, COLORADO	)	<u>APPLICATION NO. 22963-PP-Transfer</u>
SPRINGS, COLORADO, FOR AUTHORITY TO	)	
TRANSFER PERMIT NO. A-692 TO THACKER	)	
BROS. TRANSPORTATION, INC., 930	)	
LAWRENCE STREET, DENVER, COLORADO.	)	
-----		

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Denver-Limon-Burlington Transfer Company by its Attorney, Edward C. Hastings, filed a Petition for Leave to Intervene as Protestant, in the above-captioned proceeding and caused copies thereof to be served by mail upon parties of record in this proceeding.

The Commission states and finds that applicant for intervention, Denver-Limon-Burlington Transfer Company, is a party who may or might be interested in or affected by any order which may be entered in this proceeding and that the intervention should be authorized.



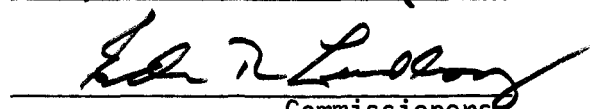
ORDER

THE COMMISSION ORDERS:

That Petition for Leave to Intervene as Protestant filed by Denver-Limon-Burlington Transfer Company, be, and the same hereby is, granted.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 30th day of January, 1968.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEO JAMES, DOING BUSINESS AS "J & M )  
ENTERPRISE," P. O. BOX 388, LAS ANIMAS, ) PUC NO. 7032-I - Transfer  
COLORADO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO J & M )  
ENTERPRISE OF LAS ANIMAS, INC., P. O. BOX )  
388, 724 VRAIN ST, LAS ANIMAS, COLORADO. )  
-----

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Leo James, doing business as "J & M Enterprise," Las Animas, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 7032-I, authorizing operation as a common carrier by motor vehicle for hire:

"Between all points in Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Said certificate-holder now seeks authority to transfer said PUC No. 7032-I to J & M Enterprise of Las Animas, Inc., Las Animas, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R


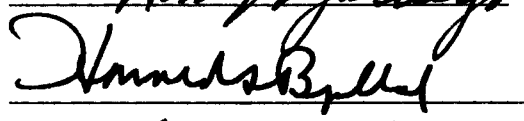

THE COMMISSION ORDERS:

That Leo James, doing business as "J & M Enterprise," Las Animas, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 7032-I -- with authority as set

forth in the Statement preceding which is made a part hereof by reference -- to J & M Enterprise of Las Animas, Inc., Las Animas, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioner

Dated at Denver, Colorado  
this 30th day of January, 1968.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF FRANK J. KLOBERDANZ AND THERESA )  
M. KLOBERDANZ, DOING BUSINESS AS )  
"KLOBERDANZ TRUCK LINES," P. O. )  
BOX 1618, STERLING, COLORADO, FOR )  
AUTHORITY TO TRANSFER PUC NO. 870 )  
TO V-Y TRUCK LINE, INC., P.O. BOX )  
43, CROOK, COLORADO. )

APPLICATION NO. 22800-Transfer

-----  
January 29, 1968  
-----

Appearances: John P. Thompson, Esq., Denver, Colorado,  
for Transferor;  
Edward C. Hastings, Esq., Denver,  
Colorado, for Transferee;  
Edward T. Lyons, Esq., Denver, Colorado,  
and  
Gene P. Jones, Esq., Denver, Colorado,  
for Archer & Archer, Inc., Ben L.  
Walker, William Blankenbeckler,  
Scholl Oil & Transportation Co.,  
Lester E. Smith, Henry Dillehay,  
Driscoll Truck Line, Inc., Reeves  
Trucking Co., B. F. Walker, Inc.,  
and Star Milk Lines Co., Protestants.

PROCEDURE AND RECORD

On August 2, 1967, Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," P. O. Box 1618, Sterling, Colorado, and V-Y Truck Line, Inc., P. O. Box 43, Crook, Colorado, filed the instant joint application (No. 22800-Transfer) seeking authority from the Commission to transfer Certificate of Public Convenience and Necessity No. 870 from Frank J. Kloberdanz and Theresa M. Kloberdanz to V-Y Truck Line, Inc. On October 23, 1967, a protest was filed in Application No. 22800-Transfer and Application No. 22801-Extension by Archer & Archer, Inc., Ben L. Walker, William Blankenbeckler, Scholl Oil & Transportation Co., Lester E. Smith, Henry Dillehay, Driscoll Truck Line, Inc. and Reeves Trucking Co. On October 27, 1967, B. F. Walker, Inc. and Star Milk Lines Co. filed a Petition to Intervene in Applications No. 22800-Transfer

and No. 22801-Extension. The Commission on October 27, 1967, granted B. F. Walker, Inc. and Star Milk Lines Co. their Petition to Intervene.

On October 18, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application on November 2, 1967. Said hearing on November 2, 1967 was vacated and re-set for hearing on December 13, 1967. After due and proper notice, the application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, on December 13, 1967 at 10 a.m. On January 15, 1968, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant requested that Application No. 22800-Transfer and Application No. 22801-Extension, which application was filed on August 2, 1967 by V-Y Truck Line, Inc., to be heard on a joint record with separate orders to issue. Request was agreed to by all parties herein and granted by said Examiner. Applicants moved to strike or disallow the intervention of B. F. Walker, Inc. and Star Milk Lines Co., which Motion was denied by the Examiner. Applicants tendered an amendment, as set forth in Exhibit No. 2 which, being restrictive in nature, was allowed by the Examiner, whereupon Protestants Henry Dillehay, Archer & Archer, Inc. and Star Milk Lines Co. withdrew.

The Transferee herein presently holds Certificate PUC No. 818 and PUC No. 818-I, PUC No. 819 and Permit No. 1492 and Permit No. 1492-I. It should be noted that if Application No. 22801-Extension is granted, that the Amendment as tendered in Application No. 22800-Transfer herein will necessitate the cancellation, consolidation and clarification of authorities presently held by the Transferee.

The ruling of the Hearing Examiner granting and approving the amendment of Applicants is hereby specifically approved and confirmed by



the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Transferors herein, Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," are the present owners and operators of PUC No. 870, which they have in the past continuously operated and which presently is in good standing before the Commission. Said Certificate is described in Exhibit No. 3 herein.
2. Transferee, V-Y Truck Line, Inc., presently holds the following authority from this Commission:  
Certificate of Authority PUC No. 818 & I  
Certificate of Authority PUC No. 819  
Permit No. B-1492 & I

It should be noted that, as set forth in "Preliminary Matters, Motions, etc." above, these authorities will undergo cancellations and revisions under the application for Extension, Consolidation and Clarification.

3. The parties have entered into an agreement for the transfer of PUC No. 870 & I and, pursuant to said Agreement, the consideration for the transfer is \$6,000. The Certificate is free and clear of any debts, encumbrances or obligations.
4. Applicants have duly and properly applied for the transfer.
5. Transferees have adequate equipment (see Exhibit No. 9), considerable experience in related fields, and sufficient net worth (see Exhibit No. 12), all of which are ample and suitable for operation of the authority sought herein.
6. Transferees are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and have or will make adequate provision for insurance.
7. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
8. The evidence presented in opposition to the granting of this transfer was too uncertain, vague and indefinite, so as to cause a denial of this application.

9. The transfer proceeding herein must be considered along with Application No. 22801-Extension and the authority being transferred by this application, PUC No. 870, should be cancelled and incorporated into the authority that will result from Application No. 22801-Extension.
10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### CONCLUSIONS

That the Commission make and enter its Order authorizing Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," to transfer all of their right, title and interest in and to Certificate PUC No. 870 to V-Y Truck Line, Inc.

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### ORDER

##### THE COMMISSION ORDERS:

That Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," P. O. Box 1618, Sterling, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 870 to V-Y Truck Line, Inc., P. O. Box 43, Crook, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

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


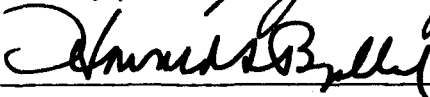

The tariff of rates, rules, and regulations of transferors shall, upon proper adoption notice, become and remain those of transferee until

changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferors herein, covering the operations under said certificate up to the time of transfer of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF V-Y TRUCK LINE, INC., P.O. BOX )  
43, CROOK, COLORADO, FOR A CERTIFICATE )  
OF PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 818 and PUC No. 818-I )  
(IN THE EVENT AUTHORITY SOUGHT IN )  
APPLICATION NO. 22800-TRANSFER IS )  
GRANTED). )

APPLICATION NO. 22801-Extension

-----

-----  
January 29, 1968  
-----

Appearances: John P. Thompson, Esq., Denver, Colorado,  
for Applicant;  
Edward T. Lyons, Esq., Denver, Colorado,  
and  
Gene P. Jones, Esq., Denver, Colorado,  
for Archer & Walker, Inc., Ben L. Walker,  
William Blankenbeckler, Scholl Oil &  
Transportation Co., Lester E. Smith,  
Henry Dillehay, Driscoll Truck Line,  
Inc., Reeves Trucking Co., B. F. Walker,  
Inc. and Star Milk Lines Co.

PROCEDURE AND RECORD

On August 2, 1967, V-Y Truck Line, Inc., P. O. Box 43, Crook, Colorado, filed the instant application (No. 22801-Extension) seeking authority from the Commission to extend operations under PUC No. 818 and PUC No. 818-I (in the event authority sought in Application No. 22800-Transfer is granted) by means of consolidation of PUC No. 870, PUC No. 818, PUC No. 818-I, PUC No. 819, Permit No. B-1492 and Permit No. B-1492-I, so as to authorize operations as a common carrier by motor vehicle for hire, as set forth in the application. On October 23, 1967, a protest was filed in Application No. 22800-Transfer and Application No. 22801-Extension by Archer & Archer, Inc., Ben L. Walker, William Blankenbeckler, Scholl Oil & Transportation Co., Lester E. Smith, Henry Dillehay, Driscoll Truck Line, Inc. and Reeves Trucking Co. On October 27, 1967, B. F. Walker, Inc. and Star Milk Lines Co. filed a Retition to Intervene in Applications

No. 22800-Transfer and No. 22801-Extension. The Commission on October 27, 1967, granted B. F. Walker, Inc. and Star Milk Lines Co. their Petition to Intervene.

On October 17, 1967, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting the hearing on the instant application on November 2, 1967. Said hearing on November 2, 1967 was vacated and re-set for hearing on December 13, 1967. After due and proper notice, the Application was heard by said Examiner in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado, on December 13, 1967 at 10 a.m. On January 15, 1968, the said Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), transmitted to the Commission the record and exhibits of the proceeding together with a written statement of his Findings of Fact and Conclusions.

The record transmitted by the Examiner to the Commission establishes that at the hearing the Applicant requested that Application No. 22801-Extension and Application No. 22800-Transfer, which application was filed on August 2, 1967 by Frank J. Kloberdanz and Theresa M. Kloberdanz, doing business as "Kloberdanz Truck Lines," be heard on a joint record with separate orders to issue. Request was agreed to by all parties herein and granted by said Examiner. Applicant moved to strike or disallow the intervention of B. F. Walker, Inc. and Star Milk Lines Co., which Motion was denied by the Examiner. Applicant tendered an amendment, as set forth in Exhibit No. 2 which, being restrictive in nature, was allowed by the Examiner, whereupon Protestants Henry Dillehay, Archer & Archer, Inc. and Star Milk Lines Co. withdrew.

The Applicant herein presently holds Certificate PUC No. 818 and PUC No. 818-I, PUC No. 819, Permit No. 1492 and Permit No. 1492-I. It should be noted that if Application No. 22800-Transfer is granted, that the amendment as tendered in Application No. 22801-Extension herein will necessitate the cancellation, consolidation and clarification of authorities presently held by the Applicant.

The ruling of the Hearing Examiner granting and approving the amendment of Applicant is hereby specifically approved and confirmed by the Commission.

The Commission has now given careful consideration to the record and exhibits of the proceeding as well as the Findings of Fact and Conclusions submitted by the Examiner. These Findings of Fact and Conclusions read as follows:

#### FINDINGS OF FACT

From the testimony, records and file herein, your Examiner finds as fact, that:

1. Applicant presently holds authority under Permit No. B-1492 & I, (Exhibit No. 8), PUC No. 818 & I (Exhibit No. 6) and PUC No. 819 (Exhibit No. 7).
2. The authority presently held by Applicant, which has been continually operated in the past, is presently in good standing with the Commission.
3. The extension applied for herein must be considered along with Application No. 22800-Transfer. In the event the application for transfer of PUC No. 870 is granted, this authority would be consolidated with PUC No. 818, PUC No. 818-I, PUC No. 819 and Permit No. B-1492-I.
4. The granting of this application, with the effects as outlined under "Preliminary Matters, Motions, etc." above, would be in the best interests of regulation, as well as the public interest.
5. Applicant has duly and properly applied for said extension.
6. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
7. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as safety requirements of the Commission and has or will make adequate provision for insurance.
8. There is a present or special need for the service, as outlined in the amendment to the application (Exhibit No. 2), and the granting of the authority as hereinafter set forth will be in the public interest.
9. By Applicant's amendment, as set forth in Exhibit No. 2, the application sought would read in its entirety as set forth under "Conclusions" below.

10. The evidence presented in opposition to the granting of the application was too uncertain, vague and indefinite, so as to cause a denial thereof.
11. The present or future public convenience and necessity requires or will require the proposed authority.
12. The authority, as hereinafter set forth, should be granted.

#### CONCLUSIONS

That the Commission make and enter its Order granting Applicant a Certificate of Public Convenience and Necessity, authorizing extension, consolidation and clarification as follows:

1. Private Carrier authority Permit No. B-1492-I would be cancelled in its entirety.
2. Certificate PUC No. 870 and PUC No. 870-I would be cancelled in its entirety.
3. Certificate PUC No. 818 and PUC No. 818-I would be cancelled in its entirety.
4. Redraft PUC No. 819 as follows, said authority henceforth to be designated as PUC No. 819 and PUC No. 819-I:

"For the transportation of:

- (1) General commodities (except milk in bulk in tank vehicles) between points in base territory commencing at the intersection of Colorado Highway 113 and the Nebraska State Line, thence south on Highway 113 to Interstate Highway 80S, thence southwest on Highway 80S to U. S. Highway 6, thence east on Highway 6 to State Highway 61, thence south on Highway 61 to the Logan County line; thence east to a line drawn north and south through Paoli; thence north to the south county line of Sedgwick County; thence west to Sedgwick County Road 59, thence along said county road to U. S. Highway 138, thence west on said highway to the Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; thence along the Nebraska State Line to point of origin; specifically excluding from said base territory Sterling and points within three miles thereof; and between points in said base territory on the one hand, and on the other hand, points in Colorado; PROVIDED, however, that no service shall be performed in competition with motor vehicle line-haul common carriers.
- (2) Livestock, between points in a base territory consisting of Logan County, that part of Weld County lying on and east of State Highway 71, that part of Phillips County lying on and west of a line drawn north and south through Paoli, and that part of Sedgwick County lying on and west of a line described as County Road 59 from the south county line of Sedgwick County north to U. S. Highway 138, thence

west on said highway to Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; and between points in said base territory on the one hand, and on the other hand, points in Colorado.

- (3) Farm Produce (except milk in bulk in tank vehicles), Used Furniture, Used Farm Machinery, Building Materials, and Farm Supplies, between points in a base territory consisting of Logan County, that part of Weld County lying on and east of State Highway 71, that part of Phillips County lying on and west of a line drawn north and south through Paoli, and that part of Sedgwick County lying on and west of a line described as County Road 59 from the south county line of Sedgwick County north to U.S. Highway 138, thence west on said highway to Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; and between points in said base territory and points in Colorado; PROVIDED, however, that all shipments shall either originate or terminate at a farm or ranch.
- (4) General Freight from Sterling to Peetz.

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

Pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission now specifically adopts the Findings of Fact and Conclusions of such Examiner as hereinabove set forth, and pursuant thereto,

#### O R D E R

##### THE COMMISSION ORDERS:

That PUC No. 870 and PUC No. 870-I granted to V-Y Truck Line, Inc., P. O. Box 43, Crook, Colorado, in Application No. 22800-Transfer, be, and hereby is, cancelled in its entirety.

That PUC No. 818 and PUC No. 818-I presently held by Applicant, be, and hereby is, cancelled in its entirety.

That Permit No. B-1492 and Permit No. B-1492-I, presently held by Applicant, be, and hereby is, cancelled in its entirety.

That PUC No. 819 presently held by Applicant be redrafted authorizing extension, consolidation and clarification as follows and to be designated as PUC No. 819 and PUC No. 819-I:



"For the transportation of:

- (1) General commodities (except milk in bulk in tank vehicles) between points in base territory commencing at the intersection of Colorado Highway 113 and the Nebraska State Line, thence south on Highway 113 to Interstate Highway 80S, thence southwest on Highway 80S to U.S. Highway 6, thence east on Highway 6 to State Highway 61, thence south on Highway 61 to the Logan County line; thence east to a line drawn north and south through Paoli; thence north to the south county line of Sedgwick County; thence west to Sedgwick County Road 59, thence along said county road to U.S. Highway 138, thence west on said highway to the Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; thence along the Nebraska State Line to point of origin; specifically excluding from said base territory Sterling and points within three miles thereof; and between points in said base territory on the one hand, and on the other hand, points in Colorado; PROVIDED, however, that no service shall be performed in competition with motor vehicle line-haul common carriers.
- (2) Livestock, between points in a base territory consisting of Logan County, that part of Weld County lying on and east of State Highway 71, that part of Phillips County lying on and west of a line drawn north and south through Paoli, and that part of Sedgwick County lying on and west of a line described as County Road 59 from the south county line of Sedgwick County north to U.S. Highway 138, thence west on said highway to Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; and between points in said base territory on the one hand, and on the other hand, points in Colorado.
- (3) Farm Produce (except milk in bulk in tank vehicles), Used Furniture, Used Farm Machinery, Building Materials, and Farm Supplies, between points in a base territory consisting of Logan County, that part of Weld County lying on and east of State Highway 71, that part of Phillips County lying on and west of a line drawn north and south through Paoli, and that part of Sedgwick County lying on and west of a line described as County Road 59 from the south county line of Sedgwick County north to U.S. Highway 138, thence west on said highway to Sedgwick County Road located one and one-half miles west of Sedgwick, thence north to the Nebraska State Line; and between points in said base territory and points in Colorado; PROVIDED, however, that all shipments shall either originate or terminate at a farm or ranch.
- (4) General Freight from Sterling to Peetz.

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

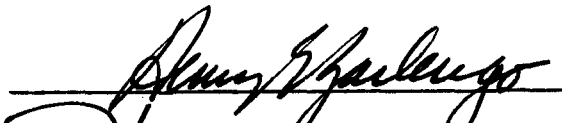
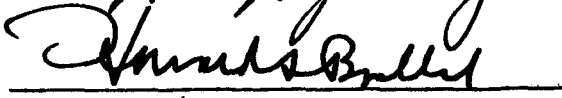
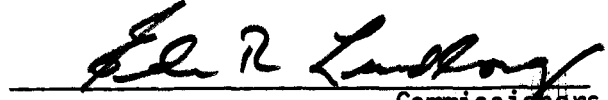
That applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF INCREASED )  
FREIGHT RATES AND CHARGES )  
WITHIN COLORADO 1967 )  
(EX PARTE No. 256) )  
----- )

INVESTIGATION AND SUSPENSION  
Docket No. 598

-----  
January 26, 1968  
-----

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Tariff of Increased Rates and Charges X-256, Western Trunk Line Committee, ICC No. A-4676, filed August 10, 1967, increased rates and charges applicable on interstate commerce were scheduled to become effective August 19, 1967. On September 5, 1967, Supplement K-7 to Tariff of Increased Rates and Charges X-256, was filed on behalf of the railroads operating in intrastate commerce in Colorado, scheduled to apply the same increases to intrastate traffic, to become effective on October 6, 1967. On September 22, 1967, Supplement K-11 was issued to cancelled Supplement No. K-7, to become effective on October 6, 1967. By decision 70180, dated October 3, 1967, and Decision No. 70214, dated October 6, 1967, Supplements K-7 and K-11 to Tariff of Increased Rates and Charges X-256, were suspended in part and investigation entered into covering the lawfulness of said rates and charges insofar as they applied to designated portion of Tariff of Increased Rates and Charges X-256. By the hereinbefore mentioned decisions, the operation of said schedules was suspended and the use thereof deferred to and including February 3, 1968, unless otherwise ordered by the Commission. It now appears that the matter cannot be concluded within the suspension period and, therefore, should be further extended for an additional period of three (3) months, or until May 3, 1968.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.

2. That the operation of said schedules, as referred to in the statement herein, shall be further suspended for an additional period of three (3) months or to and including May 3, 1968, unless otherwise ordered by the Commission.

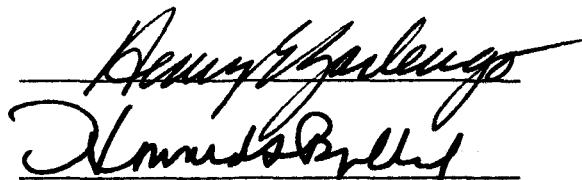
3. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or extension thereof has expired.

4. That a copy of this order shall be filed with the schedules in the office of the Commission, and that a copy hereof be served upon the Western Trunk Line Committee, Issuing Officer Fred Ofcky, 516 West Jackson Boulevard, Chicago, Illinois 60606, and, --

The Atchison, Topeka and Santa Fe Railway Company  
Chicago, Burlington & Quincy Railroad Company  
Chicago, Rock Island and Pacific Railroad Company  
The Colorado and Southern Railway Company  
The Colorado and Wyoming Railway Company  
Denver and Rio Grande Western Railroad Company  
The Great Western Railway  
Missouri Pacific Railroad Company  
The Northwestern Terminal Railroad Company  
San Luis Central Railroad  
Southern San Luis Valley Railroad Company  
Union Pacific Railroad Company

5. That the necessary suspension supplement shall be issued to the referenced tariff.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Commissioner Edwin R. Lundborg  
necessarily absent and not  
participating.

Dated at Denver, Colorado, this  
26th day of January, 1968. av





BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Winchell Donut House Inc. )  
6480 So. University Blvd. )  
Littleton, Colorado 80120 )

AUTHORITY NO. M-11275  
CASE NO. 2638-M-Ins.

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 23, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin Spalding*  
*Donald B. Binkley*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado, this  
30th day of January 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RONALD E. FANNING AND JEWEL W. )  
WILSON, DOING BUSINESS AS "FANNING & )  
WILSON," BOX 235, GARDEN CITY, )  
KANSAS, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO JEWEL )  
W. WILSON, BOX 235, GARDEN CITY, )  
KANSAS. )

PUC NO. 2163-I - Transfer

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Ronald E. Fanning and Jewel W. Wilson, doing business as "Fanning & Wilson," Garden City, Kansas, were granted a certificate of public convenience and necessity, being PUC No. 2163-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holders now seek authority to transfer said PUC No. 2163-I to Jewel W. Wilson, Garden City, Kansas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

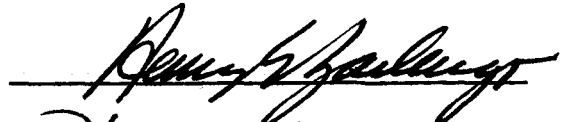
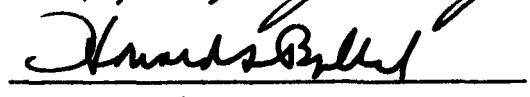

That Ronald E. Fanning and Jewel W. Wilson, doing business as "Fanning & Wilson," Garden City, Kansas, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 2163-I -- with authority as set forth in the Statement preceding which is made a part



hereof by reference -- to Jewel W. Wilson, Garden City, Kansas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
N. E. GEIS, 901 CULBERTSON AVENUE, )  
WORLAND, WYOMING, FOR AUTHORITY TO )  
TRANSFER INTERSTATE OPERATING RIGHTS )  
TO GEIS TRUCKING CO., A CORPORATION, )  
544 BIG HORN AVENUE, WORLAND, )  
WYOMING. )

PERMIT NO. B-4010-I-Transfer

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore N. E. Geis, Worland, Wyoming, was granted a permit to operate as a private carrier by motor vehicle for hire, being Permit No. B-4010-I, authorizing the following, to-wit:

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

Said permit-holder now seeks authority to transfer said Permit No. B-4010-I to Geis Trucking Co., a corporation, Worland, Wyoming.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be granted as set forth in the Order following.

ORDER

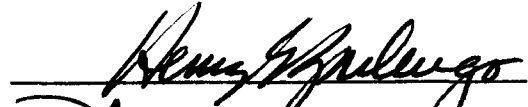
THE COMMISSION ORDERS:

That N. E. Geis, Worland, Wyoming, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-4010-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Geis Trucking Co., a corporation, Worland, Wyoming,

subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROY RALSTON AND GLEN KEIM, DOING )  
BUSINESS AS "RALSTON AND KEIM," )  
420 NORTH 6TH, SABETHA, KANSAS, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO KEIM TRANSPORTA- )  
TION, INC., 420 NORTH 6TH, ROUTE 2, )  
BOX 3, SABETHA, KANSAS. )  
-----

PUC NO. 5671-I-Transfer

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Roy Ralston and Glen Keim, doing business as "Ralston and Keim," Sabetha, Kansas, were granted a certificate of public convenience and necessity, being PUC No. 5671-I, authorizing operation as a common carrier by motor vehicle for hire:

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

Said certificate-holders now seek authority to transfer said PUC No. 5671-I to Keim Transportation, Inc., a Kansas corporation, Sabetha, Kansas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.

O R D E R




THE COMMISSION ORDERS:

That Roy Ralston and Glen Keim, doing business as "Ralston and Keim," Sabetha, Kansas, be, and hereby are, authorized to transfer all their right, title and interest in and to PUC No. 5671-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Keim

Transportation, Inc., a Kansas corporation, Sabetha, Kansas, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968  
et

(Decision No. 70779)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
HEARIN-MILLER TRANSPORTERS, INC., )  
P. O. BOX 1123, JACKSON, MISSISSIPPI.)

PUC NO. 5448-I

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The Commission is in receipt of a communication from Harold D. Miller, Jr., Attorney for the above-styled certificate-holder, requesting authority to change the corporate name to Miller Transporters, Inc. from Hearin-Miller Transporters, Inc. in the conduct of operations under PUC No. 5448-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.


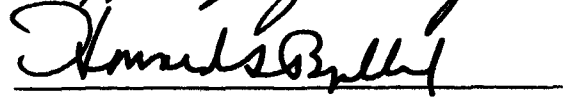

O R D E R

THE COMMISSION ORDERS:

That Hearin-Miller Transporters, Inc. be, and hereby is, authorized to change its corporate name to Miller Transporters, Inc. in the conduct of operations under PUC No. 5448-I, and that the Secretary of the Commission be, and hereby is, directed to change the records of the Commission to reflect the same.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER  
PERMIT NO. B-1877

BY: B. R. HAYES, INC.  
627 28th STREET  
GREELEY, COLORADO 80630

PUC PERMIT NO. B-1877

CASE NO. 121-T

-----  
December 26, 1967  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 21, 1967, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain an effective tariff on file.

The records of the Commission now disclose that proper tariff filing has been made.

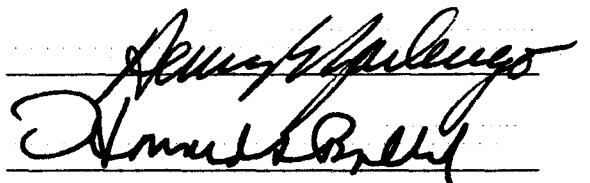
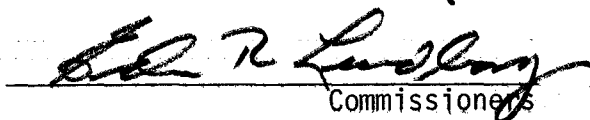
The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

ORDER

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
Commissioner

Dated at Denver, Colorado, this  
26th day of December, 1967. ay

(Decision No. 70781)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE FAILURE OF CERTAIN CORPO- )  
RATIONS, PARTNERSHIPS, AND/OR PERSONS )  
TO COMPLETE ACTIONS INSTITUTED )  
BEFORE THE COMMISSION FOR AUTHORITY )  
TO OPERATE AS COMMON OR PRIVATE )  
CARRIERS BY MOTOR VEHICLE FOR HIRE )  
IN INTERSTATE COMMERCE ONLY OVER )  
THE PUBLIC HIGHWAYS OF THE STATE OF )  
COLORADO. )  
-----

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the herein-after stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Common or Private Carrier by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards, the required insurance or a written designation for service of notices, orders or process -- all of which is required by law and the Commission's Rules and Regulations Governing Common or Private Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the above specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.



ORDER

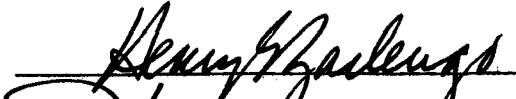
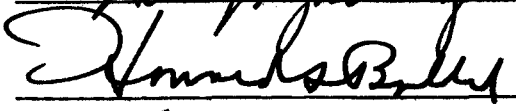

THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Big Three, Inc.	Box 706, Springdale, Arkansas 72764
Bowser, Inc.	Longford, Kansas 67458
Camfield, John S.	2420 W. 14th, North Platte, Nebr. 69101
Goodner Trucking Co.	
Goodner, L. K.     )	Box 2045, Amarillo, Texas
Gripp, R. D.     )	
Amason, J. W.    )	
Miller, Jack     )	
) dba	
Hayes, Jerry D.	Box 147, Stinnett, Texas 79083
Northeastern Trucking Co.	Charlotte, North Carolina 28200
Rucker, Jimmy	11715 Somerset, Houston, Texas 77016
Sakakawea Trucking Inc.	Box 446, Dickinson, No. Dakota
Wilde, Merlin E.	60 Soda Creek Drive, Soda Springs, Idaho 83276

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: THE FAILURE OF CERTAIN CORPORA- )  
TIONS, PARTNERSHIPS, AND/OR PERSONS )  
TO COMPLETE ACTIONS INSTITUTED BEFORE )  
THE COMMISSION FOR AUTHORITY TO )  
OPERATE AS COMMERCIAL CARRIERS BY )  
MOTOR VEHICLE (NOT FOR HIRE) OVER THE )  
PUBLIC HIGHWAYS OF THE STATE OF )  
COLORADO. )  
-----

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the hereinafter stated corporations, partnerships, and/or persons as specifically set forth in the Order part of this Decision have paid to the Commission the required filing fee for authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado but have either (1) failed to file an application requesting such authority or (2) have failed, after filing an application for such authority, to file either a request for identification cards or the required certificate of insurance -- all of which is required by law and the Commission's Rules and Regulations Governing Commercial Carriers by Motor Vehicle.

The files and records of the Commission -- in addition to the above -- further disclose that all of said corporations, partnerships, and/or persons have previously been duly notified by the Commission of their failure to comply with one or more of the specifically stated items.

The Commission states and finds that all actions heretofore instituted before the Commission by the corporations, partnerships, and/or persons as listed in the Order part of this Decision should be dismissed.

ORDER

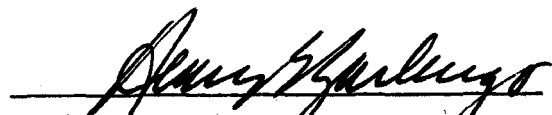


THE COMMISSION ORDERS:

That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Gilbert Crespín	Box 92, Fraser, Colo. 80442
Richard E. Davis and Julius R. Brownstien	1544 Elmire, Ste 201, Aurora, Colo. 80010
David Downs dba Downs Produce	222 Willow Road, Albuquerque, Mexico 87107
William J. Fisher	18 1/2 and "K" Road, Fruita, Colo. 81521
Merrill Kennedy & Robert Brace dba Dour States Tractor & Equipment	PO Box 622, Cortez, Colo. 81321
T. S. Foust	6120 Woodward, Amarillo, Texas 79106
Gelane Company, Inc.	607 4th St., N.W., Albuquerque, New Mexico 87101
Roy T. Gibson	Box 312, 100 6th Ave., Durango, Colo. 81301
Cecel Graham	Rte 1, Box 335, Palisade, Colo. 81526
Clay C. Harper dba Harper's Insulation & Allied Service	Rte 1, Box 161-A, Delta, Colo. 81416
Orman L. Hawkins	Collbran, Colo. 81624
C. O. Hays	Box 147, Stinnett, Texas 79083
Garland Reed Landes, dba Landes Service	131 West Central, Anadarko, Okla 73005
Rodolfo S. Martinez	Box 21403, San Antonio, Texas 78221
Frank Medrano	P O Box 389, Pharr, Texas 78577
Menke Lumber Co., Mill Fab. Inc.	Box 614, Steamboat Springs, Colo. 80477
Dave Nave	418 East South St., Stoughton, Wisc. 53589
Joseph Puckett	1014 East Abriendo, Pueblo, Colo. 81004
Daniel Arvy & Don Jones dba Quality Feed Service	Rte 1, Box 268, Ft. Collins, Colo. 80521
R E M Co. Inc.	Route 2, Monte Vista, Colo. 81144
Roy Bittle & Thomas Gibson dba Roy-Tom Ti Co.	933 Edison St., Salt Lake City, Utah 84111
Floyd W. Short	850 North Ave., Grand Junction, Colo. 81501
Ronald H. Snyder	2064 E. 115 Ave., Denver, Colo. 80233
J. D. Stephanson	Rte #1, Carpenter, Wyo. 82054
Norman D. Tarman	4558 Wyandot St., Denver, Colo. 80211
Tyson's Foods, Inc.	410 So. Swadley, Lakewood, Colo. 80228
Orlando E. Velasquez	Emma Avenue, Springdale, Ark. 72764
	P O Box 194, Antonito, Colo 81120

This Order shall become effective ten days from the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1967

et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF SUBURBAN TELEPHONE COMPANY, )  
A COLORADO CORPORATION, AND PAGOSA )  
SPRINGS TELEPHONE CO., INC., AN )  
IDAHO CORPORATION, TO MERGE INTO )  
UNIVERSAL TELEPHONE COMPANY OF )  
COLORADO, A COLORADO CORPORATION. )  
-----

APPLICATION NO. 22970-Transfer

-----  
January 30, 1968  
-----

Appearances: John R. Barry, Esq., Denver, Colorado,  
and  
J. Kenneth Baird, Vice President and  
General Counsel, Universal Telephone  
Company, for the Applicant;  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above entitled application was filed with this Commission on December 12, 1967 and by said application, as amended, Applicant seeks an order of this Commission authorizing the merger of Suburban Telephone Company, a Colorado corporation, and Pagosa Springs Telephone Company, Inc., an Idaho corporation, into Universal Telephone Company of Colorado, a Colorado corporation, and authorizing assignment and transfer of the certificates of public convenience and necessity of Suburban Telephone Company and Pagosa Springs Telephone Company, Inc., to Universal Telephone Company of Colorado, the surviving corporation.

The Commission set the matter for hearing, after due notice to all interested parties, on January 24, 1968, at 10 o'clock a.m. in the hearing room of the Commission, State Services Building, Denver, Colorado. At said time and place this matter was duly heard by the Commission and at the conclusion thereof taken under advisement.

No written protests were filed, nor did anyone appear at the hearing in protest of this application in person.

Applicant is a Colorado corporation and is a public utility operating company subject to the jurisdiction of this Commission with respect to the utility operations, as a result of the merger of the three companies referred to hereinabove.

The Suburban Telephone Company and Pagosa Springs Company, Inc., now hold certificates of public convenience and necessity for their operation of telephone systems in southwestern Colorado. These certificates include those issued by this Commission in Application No. 16124-Transfer, Decision No. 50004; in Application No. 17371-Amended, Decision No. 53453; in Application No. 17033-Transfer, Decision No. 52530; and in Application No. 19290-Transfer, Decision No. 59634.

The above mentioned merger took place on December 30, 1966, as evidenced by Articles of Merger certified by the Secretary of State of the State of Colorado and on file herein. Certified copies of the Articles of Incorporation of the Universal Telephone Company of Colorado also have been filed in this application. The Applicant now operates a telephone system which at the end of 1967 consisted of 1,014 stations in three operating exchanges, Pagosa Springs, Allison and Marvel. The Applicant is a subsidiary of the Universal Telephone Company, Inc., a Delaware corporation, but the Applicant does not operate outside Colorado.

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

##### THE COMMISSION FINDS THAT:

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

The above Statement is incorporated in and made a part of the Findings herein by reference.

By virtue of the merger of three corporations referred to herein, the Applicant has acquired the certificates of public convenience and necessity previously issued by this Commission to the Suburban

Telephone Company and Pagosa Springs Telephone Company, Inc., by operation of law, subject to authorization by this Commission.

The Applicant is the surviving corporation, has acquired all the assets and assumed all the liabilities of the other two merging corporations, and operates the telephone systems previously operated by the merging corporations.

This Commission should authorize the transfer of the said certificates of public convenience and necessity to the surviving corporation.

#### O R D E R

##### THE COMMISSION ORDERS THAT:

The merger of Suburban Telephone Company, a Colorado corporation, and Pagosa Springs Telephone Company, Inc., an Idaho corporation, into Universal Telephone Company of Colorado, a Colorado corporation, be, and it hereby is, authorized insofar as the resulting assignment and transfer of the certificates of public convenience and necessity of Suburban Telephone Company and Pagosa Springs Telephone Company, Inc., are concerned.

The assignment and transfer of said certificates of public convenience and necessity to Applicant be, and hereby is, authorized. These certificates include those issued by this Commission in Application No. 16124-Transfer, Decision No. 50004; in Application No. 17371-Amended, Decision No. 53453; in Application No. 17033-Transfer, Decision No. 52530; and in Application No. 19290-Transfer, Decision No. 59634.

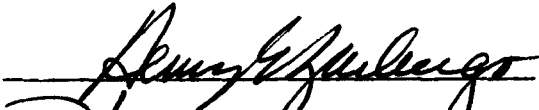
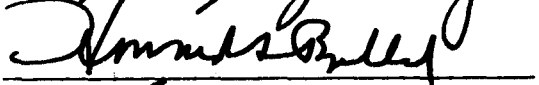

The Applicant shall adopt the tariffs of the Pagosa Springs Telephone Company, Inc., and Suburban Telephone Company now on file with this Commission in accordance with Rule 23 of the Rules of Practice and Procedure Before this Commission, or, at the Applicant's option, file a new tariff reflecting the change of the corporate entity operating under the said tariffs now on file.

The Applicant maintain books of account and report to this Commission in accordance with the Rules of Practice and Procedure of

this Commission and in so doing maintain accounts and report to this Commission financial and operating results by operating exchanges, Pagosa Springs, Allison and Marvel, and total Universal Telephone Company of Colorado.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 30th day of January, 1968.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Robert Olesen, dba )  
Leadville Oil Company )  
2nd and Harrison Ave. )  
Leadville, Colorado 80461 )

AUTHORITY NO. M-6052  
CASE NO. 2628-M-Ins.

-----  
January 30, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 23, 1968 , in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

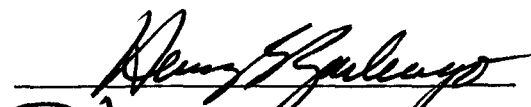


O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
30th day of January, 1968 .



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
L. A. CLARK AND D. V. CLARK, DOING  
BUSINESS AS L. A. CLARK & SON, 306  
FARADAY STREET, MONTE VISTA,  
COLORADO 81144

\* \* \*  
)  
)  
)  
)  
)

PERMIT M-5298

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 28, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zaulungo*  
*James S. ...*  
*Ed 2 ...*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
ARCHIE R. TURNER, 2624 MIRA VISTA  
ROAD, GRAND JUNCTION, COLORADO 81501

\* \* \*  
)  
)  
)  
)  
)

PERMIT M-5085

-----

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 22, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry G. Farley  
James B. Bell  
Ed R. Lundberg  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
AMERICAN CRYOGENICS, INC. - WESTERN  
OXYGEN DIVISION, P. O. BOX 877,  
LA PORTE, TEXAS 77571.

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-13712

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry G. Gulerger  
Donald B. Bell  
Ed R. Ludlow  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
ERNEST L. STARMAN, 736 SOUTH GLENCOE  
STREET, DENVER, COLORADO. 80222

\* \* \*  
)  
)  
)  
)

PERMIT NO. M-2913

-----

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


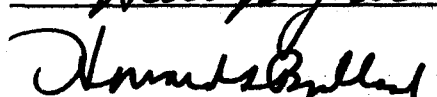
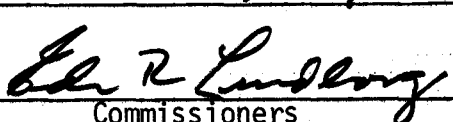
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1968.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF JAMES I. ROSE, 1310 SAN JUAN, LAJUNTA, COLORADO. 80150	* * * ) ) ) )	<u>PERMIT NO. M-9472</u>
--	---------------------------	--------------------------

-----  
 January 31, 1968  
 -----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

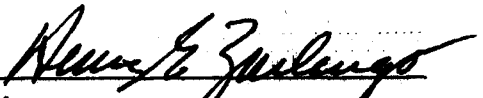
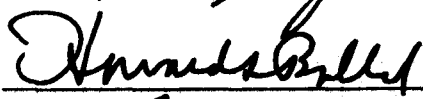

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
REUBEN GOMEZ, 720 WEST 4TH AVENUE,  
DENVER, COLORADO. 80223

\* \* \*  
)  
)  
)  
)

PERMIT NO. B-4326

-----  
-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 24, 1968.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Ziegl*  
*Howard B. Bell*  
*Edna R. Lullong*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF	)	
LEROY VAN CLEAVE, 2012 WINSTON ROAD,	)	
COLORADO SPRINGS, COLORADO 80900	)	<u>PERMIT NO. B-5541</u>
	)	
	)	

-----  
 -----  
 January 31, 1968  
 -----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.


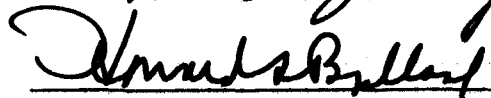

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 30, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
  
 \_\_\_\_\_  
 Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF  
BELL TRANSPORTATION COMPANY, P. O. BOX  
5976, DALLAS, TEXAS 75222

PUC No. 4129-I

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

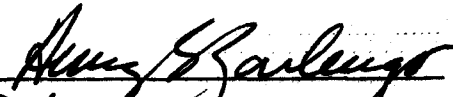
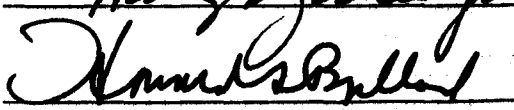

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective October 20, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF )  
MIDWEST TRANSPORT, INC., P. O. BOX 371, )  
SPRINGDALE, ARKANSAS. )

PUC NO. 6234-I

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner and operator of the above-entitled authority requesting that the same be cancelled.

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry G. Baileys*  
*James B. ...*  
*Ed. J. ...*  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968

LS

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
LARRY SWENDENER, 2221 NORTH EDWARDS )  
AVENUE, SOUTH EL MONTE, CALIFORNIA )  
91733 )

PERMIT NO. B-6286

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

ORDER


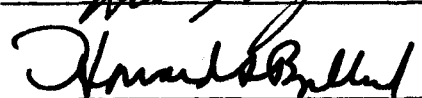

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 18, 1968 to and including July 18, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
DONALD J. WILSON, 6242 PIERSON COURT, )  
ARVADA, COLORADO 80002 )

PERMIT NO. B-6303

-----

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a written request from the owner of the above-entitled authority requesting that the same be suspended.

The Commission states and finds that to grant the herein request for suspension will be in the public interest and should be granted as set forth in the Order following.

O R D E R




THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 11, 1968 to and including July 11, 1968.

That unless prior to the expiration of said suspension period, a request in writing for reinstatement thereof be made with the Commission, insurance be filed, and compliance with all rules and regulations of the Commission applicable thereto be made, said authority, without further action by the Commission, shall be revoked without the right to reinstatement.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 31st day of January 1968  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE NATIONAL MOTOR FREIGHT )  
CLASSIFICATION A-9, COLORADO )  
PUC No. 6, SUPPLEMENT No. 22 )  
----- )

CASE No. 1585

-----  
February 6, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 13, 1967, the National Motor Freight Traffic Association, Inc., Agent, H. J. Sonnenberg, Issuing Officer, 1616 P Street, N.W., Washington, D. C. 20036, filed Supplement No. 22 to its NMFC A-9, Colorado PUC No. 6, scheduled to become effective February 16, 1968, except as otherwise provided. In Decision No. 68180, dated September 14, 1966, the Commission instituted a continuing procedure for prescribing the changes as they occur, unless suspended. The National Motor Freight Traffic Association, Inc., Agent, has furnished justification for the changes and revisions made in Supplement No. 22, which appear as Appendix "A" hereto. The changes as shown by Supplement No. 22 are set forth in Appendix "B" hereto.

Since the changes, as proposed in Supplement No. 22, appear to represent just, fair and reasonable classes and rules, the Commission finds that an order should be entered prescribing the same, under the provisions of Rule 18-C (1) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings, and appendixes "A" and "B" herein be, and they are hereby, made a part hereof.
2. That the classes and rules as set forth in Supplement No. 22, amending NMFC A-9, Colorado PUC No. 6, shall be the prescribed

classes and rules of the Commission.

3. That all motor vehicle common and private carriers having tariffs on file with the Commission which are governed by the National Motor Freight Classification A-9, Colorado PUC No. 6, as amended, shall comply with the changes provided herein on February 16, 1968, except as otherwise provided.

4. That on and after February 16, 1968, except as otherwise provided, all motor vehicle common and private carriers having rates and/or charges on file which are governed by the National Motor Freight Classification No. A-9, Colorado PUC No. 6, as amended, shall cease and desist from publishing, demanding, or applying classes and rules which shall differ from the classes and rules published in National Motor Freight Classification A-9, as amended, except call and demand common and Class B private carriers shall be subject to the penalty rule of twenty (20) per cent.


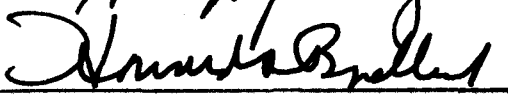
5. That this rule shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

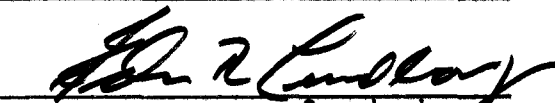
6. That the orders entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.

7. That this order shall become effective forthwith.

8. That jurisdiction is retained to make such further orders as may be necessary and proper.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  


  
\_\_\_\_\_  
Commissioner

Dated at Denver, Colorado, this  
6th day of February, 1968. av

Title Page to Appendixes

National Motor Freight Traffic Association, Inc., Agent  
NMFC, A-9, Colorado PUC No. 6  
Supplement No. 22

Effective February, 16, 1968

Except as otherwise provided

APPENDIX A - Justification

APPENDIX B - Supplement No. 22  
amending NMFC A-9

CLASSES AND RULES

applying on:

Freight Traffic covered by tariffs governed by this  
classification as such tariffs may provide.

\*\*\*\*\*

Decision No. 70796  
Case No. 1585  
February 6, 1968

APPENDIX "A"

Page 1a, Appendix A, Supplement No. 22, NMFC A-9, Colorado PUC No. 6

Preface: Below is a summary list of changes being proposed in this Supplement. "\*" indicates new item number. Following this summary list will be found a detailed explanation of the reasons for the proposed change ("D?S?" means Docket number and subject number under which the National Classification Board handled this proposal.)

Rule 255	*23397	32970-A	60280-A	83170-A	*164505
13610-A	32910-A	59380-A	68220-A	*100590	194120-A
16040-A	32930-A	59382-A	68460-A	101760-A	Pkg 2054
*23395	32950-A	59384-A	74880-A		

Rule 255 (Memo)	Rule 255 is being republished to broaden the definition of drums to include those made of "plastic", which broadened application results in a reduction.
--------------------	--

13610-A (D130-S62)	Powder, atomized granular. This is a shipper proposal to specifically provide for a new package for the shipment of aluminum powder, atomized granular. The package (Pkg. 2054) was tested under Rule 689 of the classification and the results merit its inclusion in the classification. This is a broadening of the packaging provisions of the involved item, and, therefore, results in a reduction.
-----------------------	---

16040-A (D129-S25)	Croquet Sets, with KD racks or without racks. TL class and minimum weight changed at shipper's request to more adequately reflect the transportation characteristics of this commodity, which results in both increases and reductions. Descriptions amended to include solid handles.
-----------------------	--

*23395 23397 (D129-S22)	Belts or Straps, transportation load control. New item added to the classification to specifically provide for this commodity at classes reflective of their transportation characteristics. Density averages 34.87 pounds per cubic foot and average value \$1.08 per pound.
-------------------------------	---

32910-A (D129-S12)	Broom Splints, bamboo, rattan or reed. Item description being cancelled in conjunction with the amendment of item 32970, which specific cross-reference results in a reduction as to this item.
-----------------------	---

32930-A (D129-S12)	Broom Splints, palm or palmetto. Item description being cancelled in conjunction with changes being made in item 32970, which specific cross-reference results in a reduction as to this item.
-----------------------	--

32950-A (D129-S12)	Broom Splints, whalebone. Description being cancelled of obsolescence. Investigation revealed no information as the names of shippers, nor were any objections expressed to the proposed cancellation. Restricting the classification to no longer apply on this commodity per se results in an increase.
-----------------------	---

---

32970-A (D129-S12)	Broom Splints, vegetable fibre or wood. Description being amended to include broom splints formerly covered by items 32910 and 32930, being cancelled above, at classes which reflect a density of 20.5 to 23 pounds per cubic foot and values of 9 to 74 cents per pound. Broadened description and higher LTL classes results in both increases and reductions.
59380-A 59382-A 59384-A (D129-S77)	Solutions, intravenous or anti-coagulant, or Distilled Water, intravenous. Classes are being published when commodity is contained in plastic containers, reflective of density of 20-25 pounds and value per pound of 15-20¢. In addition to such reduced classes, revised application of item may result in technical increases.
60280-A (Memo)	Dyestuffs, NOI. Item republished to revise two separate words into one single word for clarification and to agree with modern dictionary usage. This change in wording results in neither increases nor reductions in charges.
68220-A (D129-S12)	Fibres, Bast (Bass). Item being amended to preclude conflict with broom splints covered by item 32970. This specific exclusion from the application of this item restricts its application, thereby resulting in an increase.
68460-A (D129-S12)	Fibres, palm or palmetto. Item being amended to preclude conflict with broom splints covered by item 32970. This specific exclusion from the application of this item restricts its application, thereby resulting in an increase.
74880-A (D129-S1)	Straws, drinking, with beverage preparation inserted. Cancellation is for tariff simplification to eliminate an obsolete provision. Restricting the classification to no longer apply on this commodity per se results in an increase.
83170-A (D129-S7)	Frames, chair, steel, other than spring rocking type. Item description being amended for clarification to clearly indicate the nature of the chair frames embraced by entry. Since the revised description implies it excludes more than did the prior description, this restriction results in an increase.
*100590 (D129-S47)	Cabinets or Racks, spice, wood. New item added to the classification to specifically provide for these articles at classes reflective of their transportation characteristics. Density averages 14.55 pounds and value 50¢ per pound.
101760-A (D129-S11)	Ink, printing, in metal or plastic tubes. Item description amended for tariff clarification to provide the same classes to material packaged in plastic tubes as is presently accorded the products packaged in metal tubes due to the similarity in transportation characteristics. The broadening of Sub 1 of this item to include such results in a reduction, whereas the restricting of Sub 2 to exclude such results in an increase.

---



---

\*164505 Store Display Racks or Stands, carpet or tile. New item added  
(D129-S20) to the Classification to specifically provide for this commodity  
at classes reflective of the transportation characteristics.  
Density averages 7.28 pounds per cubic foot and value 38¢ per  
pound.

---

194120-A Washers, Gaskets. Item description amended to provide classes  
(D129-S32) based on density, i.e., those less than 10 pounds per cubic  
foot and those 10 pounds per cubic foot or greater, to more  
adequately reflect the transportation characteristics of this  
commodity, which changes result in both increases and reductions.

---

Pkg. 2054 This is a shipper proposal to specifically provide for a new  
(D130-S62) package for the shipment of aluminum powder, atomized granular  
(item 13610). The package was tested under Rule 689 of the  
classification and the results merits its inclusion in the  
classification. This is a broadening of the packaging  
provisions of the involved item.

---

- finis -

**APPENDIX "B"**

PAGE 1B, APPENDIX B, SUPPLEMENT No. 22, NMFC A-9, COLORADO PUC No. 6

**RULES**

**RULE 255 (CANCELS RULE 255, PAGE 18 OF SUPPLEMENT 21.)**

**DEFINITION OF DRUMS**

DRUMS ARE CYLINDRICAL (NOTES 2 AND 3) SHIPPING CONTAINERS NOT LESS THAN 3 NOR MORE THAN ONE HUNDRED AND SIXTY-FIVE GALLONS CAPACITY, WITHOUT BILGE, WITH OR WITHOUT BAILS OR HANDLES (NOTE 1), AND MUST BE MADE OF WOOD, FIBREBOARD, METAL, PLASTIC OR RUBBER. UNLESS OTHERWISE PROVIDED IN THIS CLASSIFICATION OR IN TARIFFS GOVERNED THEREBY, THE RATES OR CLASSES SHOWN FOR FREIGHT IN "BARRELS" WILL ALSO APPLY ON FREIGHT IN SUCH DRUMS OF NOT LESS THAN THREE GALLONS CAPACITY. FOR DETAILED SPECIFICATIONS, SEE RULES 230, 257, 260, 291, 294, 296 AND 297.

**NOTE 1--**A BAIL IS A HANDLE EXTENDING COMPLETELY ACROSS THE TOP OF A CONTAINER AND ATTACHED TO THE SIDES.

**NOTE 2--**SQUARE OR RECTANGULAR ALUMINUM OR STEEL CONTAINERS MEETING THE REQUIREMENTS FOR DRUMS OF 5 GALLONS TO AND INCLUDING 7 GALLONS CAPACITY MAY BE ACCEPTED.

**NOTE 3--**FIBREBOARD DRUMS, NOT CYLINDRICAL, MEETING THE SPECIFICATIONS OF RULE 291, NOTE 6, FOR DRUMS OF LESS THAN SIXTY-FIVE GALLON CAPACITY MAY BE ACCEPTED.

ITEM	ARTICLES	CLASSES		
		LTL	TL	MW
13610-A	ALUMINUM, SUBJECT TO ITEM 13100: POWDER, ATOMIZED GRANULAR, IN BARRELS OR PACKAGE 2054	60	40	30.2
◆16040-A	ATHLETIC GOODS GROUP, SUBJECT TO ITEM 15500: CROQUET SETS, WITH SOLID Mallet HEADS, HANDLES, AND BALLS:			
SUB 1	IN SU RACKS, WRAPPED IN FIBREBOARD AND METAL STRAPPED, OR IN BOXES	100	60	16.2
SUB 2	WITH KD RACKS, OR WITHOUT RACKS IN BOXES	77½	37½	30.2
◆23395	BELTS OR STRAPS, TRANSPORTATION LOAD CONTROL (TIE DOWNS), SEE NOTE, ITEM 23397, IN BOXES	70	40	30.2
◆23397	NOTE--APPLIES ON WEBBING BELTS OR STRAPS EQUIPPED WITH BUCKLES OR OTHER FASTENERS USED TO SECURE CARGO IN OR ON TRANSPORTATION EQUIPMENT.			
32910-A	BROOMS GROUP, SUBJECT TO ITEM 32770: BROOM SPLINTS, BAMBOO, RATTAN OR REED. CANCEL. SEE ITEM 32970.			
32930-A	BROOM SPLINTS, PALM OR PALMETTO. CANCEL. SEE ITEM 32970.			
32950-A	BROOM SPLINTS, WHALEBONE. CANCEL. OBSOLETE.			
◆32970-A	BROOM SPLINTS, VEGETABLE FIBRE OR WOOD, IN BALES, BOXES OR CRATES	70	35	30.2
◆59380-A	DRUGS, MEDICINES OR TOILET PREPARATIONS, SUBJECT TO ITEM 58500: SOLUTIONS, INTRAVENOUS OR ANTI-COAGULANT, OR DISTILLED WATER, INTRAVENOUS, SEE NOTES, ITEMS 58502, 59382 AND 59384:			
SUB 1	DISTILLED WATER, PLAIN OR SALINE, IN GLASS OR PLASTIC DISPENSING CONTAINERS, IN BOXES	55	35	36.2
SUB 2	SOLUTIONS, INTRAVENOUS, SALINE OR NUTRITIONAL: IN GLASS DISPENSING CONTAINERS, IN BOXES	55	35	36.2
SUB 3	IN PLASTIC DISPENSING CONTAINERS, IN BOXES	70	40	36.2
SUB 4	SOLUTIONS, ANTI-COAGULANT: IN GLASS COLLECTING CONTAINERS, IN BOXES	55	35	36.2
SUB 5	IN PLASTIC COLLECTING BAGS IN INNER CONTAINERS, IN BOXES	85	50	24.2
SUB 6	NOI, IN BOXES	85	50	24.2
SUB 7	NOTE--SOLUTIONS MAY CONTAIN VITAMINS NOT EXCEEDING 1 PERCENT OF THE GROSS WEIGHT OF INDIVIDUAL COLLECTING OR DISPENSING CONTAINERS, OR ALCOHOL NOT EXCEEDING 5 PERCENT OF THE GROSS WEIGHT OF INDIVIDUAL COLLECTING OR DISPENSING CONTAINERS.			
SUB 8	NOTE--ALSO APPLIES ON EXPENDABLE ADMINISTRATION SETS NOT IN EXCESS OF 10 PERCENT OF THE GROSS WEIGHT OF THE SOLUTIONS OR DISTILLED WATER.			
▲59382-A				
▲59384-A				
▲60280-A	DYESTUFFS, NOI, IN BARRELS OR BOXES. SEE ITEM 60000 FOR CLASSES DEPENDENT UPON AGREED OR RELEASED VALUE	100	55	30.2

FOR EXPLANATION OF ABBREVIATIONS AND REFERENCE MARKS, SEE LAST PAGE OF THIS SUPPLEMENT.

ITEM	ARTICLES	CLASSES		
		LTL	TL	(MW)
68220-A	FIBRES, SUBJECT TO ITEM 68200: BAST (BASS), ♦OTHER THAN BROOM SPLINTS, IN MACHINE PRESSED BALES OR IN BOXES	85	55	20.2
68460-A	PALM OR PALMETTO, ♦OTHER THAN BROOM SPLINTS, IN BAGS, BALES, BOXES OR CRATES	70	35	30.2
74880-A	FOODSTUFFS GROUP, SUBJECT TO ITEM 72000: STRAW, DRINKING WITH BEVERAGE PREPARATION INSERTED. ♦CANCEL. OBSOLETE.			
83170-A	FURNITURE PARTS GROUP, SUBJECT TO ITEM 82750: FRAMES, SUBJECT TO ITEM 83100: CHAIR, STEEL, OTHER THAN SPRING ROCKING ♦TYPE CHAIR:			
SUB 1	SU, NOT INTERLACED, IN PACKAGES	200	100	10.2
SUB 2	SU, INTERLACED, IN BOXES OR CRATES OR WRAPPED	100	45	30.2
SUB 3	KD, FLAT OR FOLDED FLAT, IN BOXES OR CRATES	85	55	24.2
*100590	HOUSEHOLD UTENSILS GROUP, SUBJECT TO ITEM 100500: CABINETS OR RACKS, SPICE, WOOD, CONTAINING GLASS BOTTLES OR JARS, IN BOXES	85	45	24.2
101760-A	INK, PRINTING, NOI; INK, BRUSH OR STENCIL MARKING; INK MATERIALS NOI, VIZ.: BASES, COLOR; COMPOUNDS, THICKENING; COMPOUNDS, REDUCING; DRIERS; COMPOUNDS, THINNING; EXTENDERS; PLASTICIZERS; SOLVENTS; VARNISHES;			
SUB 1	IN METAL ♦OR PLASTIC TUBES IN BOXES	100	35	36.2
SUB 2	IN INNER CONTAINERS OTHER THAN METAL ♦OR PLASTIC TUBES, IN BARRELS, BOXES OR CRATES; IN KITS OR PAILS; OR IN BULK IN BARRELS, OR PACKAGE 574; ALSO TL, IN TANK TRUCKS, SEE RULE 370	55	35	36.2
*164505	RACKS, SUBJECT TO ITEM 163900: STORE DISPLAY RACKS OR STANDS, CARPET OR TILE, WALL MOUNTING TYPE, SU, IN BOXES OR CRATES	125	85	12.2
♦194120-A	WASHERS; GASKETS; OR PACKING DEVICES, FORMS OR SHAPES, OTHER THAN PACKAGING, SUBJECT TO ITEM 194000: NOI, OTHER THAN EXPANDED OR CELLULAR PLASTIC OR FOAM RUBBER, IN BAGS, BALES, BARRELS, BOXES OR CRATES, HAVING A DENSITY OF:			
SUB 1	LESS THAN 10 POUNDS PER CUBIC FOOT	150	100	10.2
SUB 2	10 POUNDS PER CUBIC FOOT OR GREATER	70	37½	40.2

SPECIFICATIONS FOR NUMBERED PACKAGES

MISCELLANEOUS

(ADD "PACKAGE 2054" TO PAGE 608 OF CLASSIFICATION.)

♦PACKAGE 2054

TL SHIPMENTS MAY BE ACCEPTED IN FIBRE DRUMS MEETING THE CONSTRUCTION REQUIREMENTS OF  
RULE 291, FOR DRUMS FOR WEIGHT OF CONTENTS OVER 400 POUNDS BUT NOT OVER 550 POUNDS,  
EXCEPT THAT THE NET WEIGHT OF CONTENTS MAY EXCEED 550 POUNDS BUT NOT EXCEED 600  
POUNDS WHEN THE INTERIOR SIDEWALL AND BOTTOM IS SURFACED WITH .001 INCH ALUMINUM  
FOIL LAMINATED TO THE FIBREBOARD.

EXPLANATION OF REFERENCE MARKS

(FOR EXPLANATION OF ABBREVIATIONS, SEE PAGE 632 OF CLASSIFICATION)

REFER- ENCE MARK	EXPLANATION
------------------------	-------------

- ↓ INDICATES REDUCTION.
- ♦ INDICATES INCREASE.
- ▲ INDICATES CHANGE IN WORDING WHICH RESULTS IN NEITHER INCREASES NOR REDUCTIONS.
- △ MATTER IN THIS ITEM IS BROUGHT FORWARD WITHOUT CHANGE IN APPLICATION FROM ITEM  
BEING CANCELLED.
- \* INDICATES NEW ITEM
- ° DEGREE
- (MW) MINIMUM WEIGHT FACTOR, SEE RULE 997

- FINIS -

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDWARD L. REILLY, MYRON ALAN )  
GOLDSTEIN AND JULIUS I. GINDBERG, 818 )  
MAJESTIC BUILDING, DENVER, COLORADO, )  
AUTHORITY TO TRANSFER ALL THE OUT- )  
STANDING CAPITAL STOCK IN AND TO )  
GILPIN COUNTY FREIGHT SERVICE, INC., )  
RECORD OWNER OF PUC NO. 1127 AND )  
PERMIT NO. B-3009, TO JOHN R. )  
FLETCHALL, EDWIN KRENZER, ROBERT E. )  
MCCURDY AND JOSEPH L. KRAL, 930 )  
LAWRENCE STREET, DENVER, COLORADO. )  
-----

APPLICATION NO. 22931-Stock Transfer

APPLICATION NO. 22932-PP-Stock Transf

SUPPLEMENTAL ORDER

-----  
January 29, 1968  
-----

Appearances: Julius I. Ginsberg, Esq., Denver,  
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

By the above-styled application, Applicants herein sought authority to transfer all the outstanding capital stock in and to Gilpin County Freight Service, Inc., record owner of PUC No. 1127 and Permit No. B-3009, to John R. Fletchall, Edwin Krenzer, Robert E. McCurdy and Joseph Kral, Denver, Colorado.

Said application was regularly set for hearing before the Commission at 10 a.m. on January 30, 1968, at 532 State Services Building, Denver, Colorado.

The Commission has received a Communication from Julius I. Ginsberg, Attorney for Applicants, stating the prospective purchasers advised they will be unable to consummate the transaction and no longer desired to prosecute said application and requesting dismissal thereof.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.


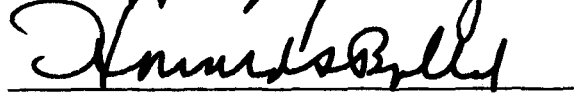

O R D E R

THE COMMISSION ORDERS:

That hearing of Application Nos. 22931-Stock Transfer and 22932-PP-Stock Transfer, presently set for January 30, 1968, at Denver, Colorado, be, and the same hereby is vacated.

That Application Nos. 22931-Stock Transfer and 22932-PP-Stock Transfer, be, and the same hereby are, dismissed.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1968  
et

(Decision No. 70798)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE INVESTIGATION AND SUSPENSION OF )  
TENTH REVISED SHEET NO. 2, COLORADO )  
PUC NO. 1 OF THE NORTHWEST WATER )  
CORPORATION, 1529 YORK STREET, )  
DENVER, COLORADO )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 603

-----  
February 1, 1968  
-----

STATEMENT AND FINDINGS

BY THE COMMISSION:

On January 23, 1968 the Northwest Water Corporation by Arthur B. Hayutin, Secretary-Treasurer, filed with the Public Utilities Commission of the State of Colorado a proposed change in its tariff, Colorado PUC No. 1, Tenth Revised Sheet No. 2, to become effective, on less than statutory notice, February 10, 1968. The purpose of this filing is to increase the annual revenues to the Company in the amount of approximately \$22,000.

On January 15, 1968, Northwest Water Corporation filed Application No. 23005 seeking approval of this Commission for an increase in its water rates. The Commission has set the application for hearing on March 26 and 27, 1968. Therefore, the Commission on its own motion should suspend the effective date of the proposed increase in rates until the matter has been heard and a decision issued therein.

O R D E R


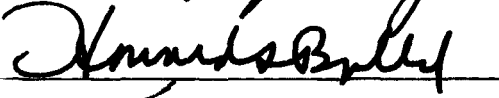

THE COMMISSION ORDERS:

That the effective date of the proposed change in rates of the Northwest Water Corporation in its tariff, Colorado PUC No. 1, Tenth Revised Sheet No. 2, be, and it hereby is, suspended for a period of one hundred twenty (120) days from February 10, 1968, or until June 9, 1968, unless otherwise ordered.

That a copy of this Order be forthwith served on the Northwest Water Corporation, 1529 York Street, Denver, Colorado 80206, and a copy of this Order also be filed with Northwest Water Corporation Tariff Colorado PUC No. 1, Tenth Revised Sheet No. 2.

This Order shall become effective as of the date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_  
  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado  
this 1st day of February, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1061 TO GRAND RIVER TRANSFER )  
INC., 2612 "G" ROAD, GRAND JUNCTION, )  
COLORADO. )

APPLICATION NO. 22793-Transfer

----- )  
IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-2726 TO GRAND RIVER )  
TRANSFER INC., 2612 "G" ROAD, GRAND )  
JUNCTION, COLORADO. )

APPLICATION NO. 22794-PP-Transfer

----- )  
IN THE MATTER OF THE APPLICATION )  
OF WESTERN TRANSFER LTD., 1931 )  
EAST MAIN STREET, GRAND JUNCTION, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PERMIT NO. B-3108 TO GRAND RIVER )  
TRANSFER INC., 2612 "G" ROAD, GRAND )  
JUNCTION, COLORADO. )

APPLICATION NO. 22795-PP-Transfer

-----  
February 1, 1968  
-----

SUPPLEMENTAL ORDER

S T A T E M E N T

BY THE COMMISSION:

On January 8, 1968 the Commission entered Decision No. 70664 authorizing the transfer of PUC No. 1061 and Permit No. B-2726 and Permit No. B-3108; the consolidation of Permit No. B-2726 and Permit No. B-3108 under the designation "Permit No. B-2726;" and redescription of authorities being retained by Transferor, PUC No. 3490 and Permit No. B-1573.

Through inadvertence, a portion of the authority under Permit No. B-1573 regarding certain commodities and territory was omitted under said authority.



In addition, the first paragraph of the Order on page 5 failed to state to whom the transfer was being made.

### F I N D I N G S

#### THE COMMISSION FINDS:

In view of the above and foregoing, the Commission states and finds that Decision No. 70664 should be amended as set forth in the Order following.

### O R D E R

#### THE COMMISSION ORDERS:

That Decision No. 70664 be, and the same hereby is, amended, nunc pro tunc, as of January 8, 1968, by:

1. Deleting therefrom the description of Permit No. B-1573 on page 5 under "Conclusions" and on page 8 under "Order" and inserting in lieu thereof the following:


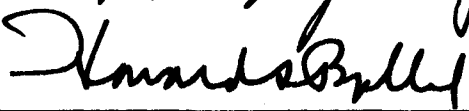
"Transportation of used furniture, farm machinery, and farm equipment, from farm to farm, within a 50-mile radius of Loma, Colorado; transportation of coal from mines north of Fruita to Loma, Mack and Fruita; transportation of household goods and farm equipment between points in a pick-up area not to exceed 25 miles of Loma, Colorado, and to and from points in said area on the one hand, to and from points in the State of Colorado on the other hand, provided there shall be no transportation of household goods which both originate and terminate within the corporate limits of the City of Grand Junction, Colorado."

2. Deleting therefrom the first paragraph under "Order" on page 5 and inserting in lieu thereof the following:

"That Western Transfer Ltd., 1931 East Main Street, Grand Junction, Colorado, be, and hereby is, authorized to transfer all rights, title, and interest in and to Certificate of Convenience and Necessity No. 1061 and Permit No. B-2726 and Permit No. B-3108, subject to encumbrances, if any, against said authority approved by this Commission, to Grand River Transfer Inc., a Colorado corporation."

That, except as herein amended, Decision No. 70664 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
\_\_\_\_\_

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado  
this 1st day of February, 1968.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEO. A. SIMS, M. K. SIMS, ELMER L. SIMS, )  
AND G. GRANT SIMS, DOING BUSINESS AS )  
"SALT LAKE TRANSFER CO.", 35 SOUTH 5TH )  
WEST, SALT LAKE CITY, UTAH, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO GEORGE A. SIMS, )  
G. GRANT SIMS AND TRACY-COLLINS BANK & )  
TRUST COMPANY, CO-GUARDIANS, M. K. SIMS, )  
GEORGE MILTON SIMS, ELMER L. SIMS AND )  
BEVERLY SIMS CANDLAND, EXECUTORS, )  
ELMER L. SIMS AND G. GRANT SIMS, DOING )  
BUSINESS AS "SALT LAKE TRANSFER COMPANY," )  
35 SOUTH 5TH WEST, SALT LAKE CITY, UTAH. )  
-----

PUC NO. 1023-I - Transfer

-----  
February 1, 1968  
-----

STATEMENT AND FINDINGS OF FACT

Heretofore, Geo. A. Sims, M. K. Sims, Elmer L. Sims, and G. Grant Sims, doing business as "Salt Lake Transfer Co.," Salt Lake City, Utah, were granted a certificate of public convenience and necessity, being PUC No. 1023-I, authorizing operation as a common carrier by motor vehicle for hire:

"Between all points in Colorado and the Colorado-Wyoming, Colorado-Utah state boundary lines where all highways cross same in interstate commerce only subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

Said transferors now seek authority to transfer said PUC No. 1023-I to George A. Sims, G. Grant Sims and Tracy-Collins Bank & Trust Company, Co-Guardians, M. K. Sims, George Milton Sims, Elmer L. Sims and Beverly Sims Candland, Executors, Elmer L. Sims and G. Grant Sims, doing business as "Salt Lake Transfer Company," Salt Lake City, Utah.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest and should be authorized as set forth in the Order following.


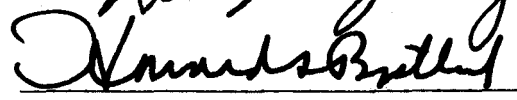
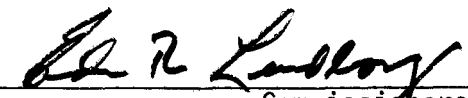
O R D E R

THE COMMISSION ORDERS:

That Geo. A. Sims, M. K. Sims, Elmer L. Sims, and G. Grant Sims, doing business as "Salt Lake Transfer Co.," Salt Lake City, Utah, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 1023-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to George A. Sims, G. Grant Sims and Tracy-Collins Bank & Trust Company, Co-Guardians, M. K. Sims, George Milton Sims, Elmer L. Sims and Beverly Sims Candland, Executors, Elmer L. Sims and G. Grant Sims, doing business as "Salt Lake Transfer Company," Salt Lake City, Utah, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 1st day of February, 1968.  
sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
CERTIFICATE No. 3382 )  
BY: BURCH WAREHOUSE & TRANSFER CO., INC. )  
200 SOUTH SANTA FE AVENUE )  
PUEBLO, COLORADO 81001 )  
Respondent )

CASE NO. 139-T  
SUPPLEMENTAL ORDER

-----  
January 8, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the respondent herein has complied as required by law and the Rules and Regulations of the Commission and has shown good cause why the above captioned and numbered operating rights should not be revoked, the Commission states and finds that the herein entitled case should be dismissed as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above entitled case be, and the same hereby is, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin H. Paulsen*  
*Donald B. Bell*  
*Ed. J. Lindsey*  
Commissioners

Dated at Denver, Colorado, this  
8th day of January, 1968. ay

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
PUBLIC SERVICE COMPANY OF COLORADO, )  
550 15TH STREET, DENVER, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY FOR THE CONSTRUCTION, )  
OPERATION AND MAINTENANCE OF A 330 MW )  
ELECTRIC GENERATING PLANT TO BE KNOWN )  
AS THE FORT ST. VRAIN NUCLEAR GENERA- )  
TING STATION, NEAR PLATTEVILLE, COLO- )  
RADO, TOGETHER WITH A 230 KV TRANS- )  
MISSION LINE FROM SAID PLANT SITE TO )  
A POINT NEAR BOULDER, COLORADO, AND )  
A 230 KV TRANSMISSION LINE FROM SAID )  
PLANT SITE TO A POINT NEAR FORT )  
LUPTON, COLORADO. )

APPLICATION NO. 22803

SUPPLEMENTAL ORDER

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

The above-styled application was regularly set for continued hearing before the Commission on February 7, 12, 13 and 14, 1968 at 10 a.m. in the Hearing Room of the Commission at Denver, Colorado.

Inasmuch as February 12, 1968, is a State Holiday, the Secretary of the Commission, has amended the above continued hearing dates to read February 7, 13, 14 and 15, 1968 at 10 a.m. in the Hearing Room of the Commission, Denver, Colorado, as set forth in the Order following.

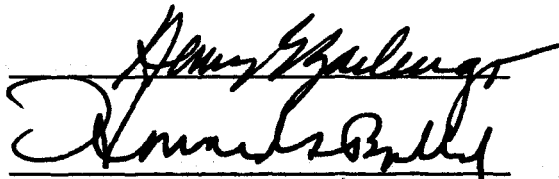
ORDER

THE COMMISSION ORDERS:

That the continued hearing date of February 12, 1968 on the above-styled application (Decision No. 70623) be, and the same hereby is, vacated, and the Secretary of the Commission is directed to re-set the continued hearing on said application to February 7, 13, 14 and 15, 1968,

at 10 a.m. in the Hearing Room of the Commission, 532 State Services Building, 1525 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_

Commissioners

Dated at Denver, Colorado,  
this 31st day of January, 1968  
et

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
CERTIFICATE No. 3141 )  
BY: RYBERG CONSTRUCTION COMPANY )  
5635 WELLINGTON PARKWAY )  
ARVADA, COLORADO 80002 )  
Respondent )

CASE NO. 138-T  
SUPPLEMENTAL ORDER

-----  
January 31, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

It appearing that the above named respondent has failed to file Annual Report for calendar year 1966, as required by law and the Rules and Regulations of the Commission and, in addition, has failed --after receiving proper notice -- to appear before the Commission on the date as previously ordered by the Commission to show cause why the above captioned and numbered operating rights should not be revoked and cancelled, the Commission states and finds that the herein involved operating rights should be revoked and cancelled as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above captioned and numbered operating rights be, and the same hereby are, revoked and cancelled, effective five days from the date of this Order.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Sam H. ...*  
*Donald ...*  
*Ed R. ...*  
Commissioners

Dated at Denver, Colorado, this  
31st day of January, 1968. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
COLORADO DEMOLITION CO. (CORP))  
1544 Elmira Street )  
Aurora, Colorado 80010 )  
----- )

AUTHORITY NO. M 11989  
CASE NO. 2597-M-Ins.

-----  
February 1, 1968  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 23, 1968 in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective insurance on file with the Commission.

The records of the Commission now disclose that proper insurance filing has been made.

The Commission finds, in view of the above, that it would be in the public interest to restore the herein authority to active status.

O R D E R

THE COMMISSION ORDERS:

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

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry Spadengo*  
\_\_\_\_\_  
*Donald R. Kelly*  
\_\_\_\_\_  
*Ed R. Lundberg*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
1st day of February, 1968