

(Decision No. 71190)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PETCO, INC. OF COLORADO, P. O. BOX)
447, COMMERCE CITY, COLORADO (IN THE)
EVENT AUTHORITY SOUGHT IN APPLICATION)
NO. 22980-Transfer IS GRANTED) TO BE)
RELIEVED FROM COMPLIANCE WITH RULE)
14 OF THE COMMISSION'S RULES AND)
REGULATIONS GOVERNING COMMON CARRIERS)
BY MOTOR VEHICLE WHEN TRANSPORTING)
LIQUID COMMODITIES, IN BULK, UNDER)
PUC NO. 6742))

APPLICATION NO. 23015-Waiver

April 16, 1968

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, and
T. Peter Craven, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 19, 1968, the above-entitled application was filed requesting authority to be relieved from compliance with Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle when transporting liquid commodities, in bulk, under Certificate PUC No. 6742.

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.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Upon motion of Applicant this matter was heard on a joint record with Application No. 22980-Transfer which is an application by H. M. Popp Truck Line, Inc., doing business as "Petco, Inc., a Division of H. M. Popp Truck Line," for authority to transfer PUC No. 6742 to Petco, Inc. of Colorado."

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. Petco, Inc. of Colorado is a Colorado corporation with general offices located at 7627 North Dahlia Street, Commerce City, Colorado.
2. In a companion proceeding by Application No. 22980-Transfer, Petco, Inc. of Colorado became the owner of PUC No. 6742 which Certificate provides for the transportation of petroleum products, in bulk, between all points within the State of Colorado.
3. Petco, Inc. of Colorado presently holds no other authority issued by this Commission and is a carrier specializing in the transportation of petroleum products, in bulk, in tank vehicles.
4. By this application, Petco, Inc. of Colorado seeks relief from Rule 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle, the provisions of which specify the minimum period for the leasing of equipment for such carriers and further prohibit the leasing of equipment or the employing of drivers by such carriers on a percentage basis dependent upon gross receipts.
5. By its Decision No. 54168, dated April 28, 1960, this Commission has granted similar relief to other tank truck carriers.
6. In order for Petco, Inc. of Colorado to meet competition from other carriers, it is necessary that it be granted relief from Rule 14 as foresaid.
7. Tank truck carriers, such as Petco, Inc. of Colorado, utilize highly specialized equipment which is generally unsuitable for any other type of transportation and this specialized nature of equipment coupled with extreme fluctuation of demand for service due to weather conditions, source of supply and seasons of the year, tend to require such carriers to supplement their own equipment by "short term" lease in order to economically perform the necessary service.

8. Applicable rates for tank truck carriers are stated generally in "cents per gallon" on a particular liquid commodity which rates may differ greatly depending upon the specific commodity as well as the amount of loading and unloading time required. This variance in total revenue per load prohibits an equipment rental figure based upon a constant or set cost per mile or set price per hour.
9. The cost of operating equipment varies between mountains and plains which would tend to make mileage or owner leases unequitable whereas compensation based upon a percentage of the gross revenue could take into consideration the various factors involved and result in an equitable charge.
10. It would be in the public interest if the Applicant were relieved from Rule 14 of the Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle insofar as said rule prohibits compensation for lease of equipment or employment of driver based upon percentage of gross revenue and further from those provisions of the rule requiring any particular duration for the lease of equipment.
11. The application should be granted.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting the application and expressly provide:

"That Petco, Inc. of Colorado be, and hereby is, relieved from the compliance of the provisions of the Commission's Rule 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle insofar as said rule specifies the minimum period for the leasing of equipment for such carrier and further insofar as said rule prohibits the leasing of equipment or the employment of drivers by such carriers on a percentage basis dependent upon gross receipts."

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:

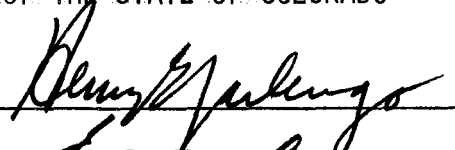
That Petco, Inc. of Colorado, Commerce City, Colorado, be, and hereby is, relieved from compliance with the following provisions of the


Commission's Rule No. 14 of the Rules and Regulations Governing Common Carriers by Motor Vehicle when transporting liquid commodities, in bulk, under PUC No. 6742:

- (1) No lease of equipment shall be executed for any period less than three (3) months, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.
- (2) The leasing of equipment or employing of drivers, with compensation on a percentage basis, dependent upon gross receipts per trip, or for any period of time, is prohibited.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT
AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 16th day of April, 1968

(Decision No. 71191)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. A. GREEN, DOING BUSINESS AS)
"COLORADO SPRINGS SIGHTSEEING CO.,")
TO REINSTATE PUC NO. 134 FOR THE)
PURPOSE OF TRANSFER AND TO TRANSFER)
PUC NO. 134 FROM W. A. GREEN, DOING)
BUSINESS AS "COLORADO SPRINGS SIGHT-)
SEEING CO.," 1804 NORTH TEJON STREET,)
COLORADO SPRINGS, COLORADO, TO)
BESSEMER BUS CORPORATION, DOING)
BUSINESS AS "AMERICAN SIGHTSEEING)
OF COLORADO SPRINGS," 549 EAST)
CUCHARRAS, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 22927-Transfer

April 17, 1968

Appearances: Louis Johnson, Esq., Colorado
Springs, Colorado, for
Transferor and Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 15, 1967, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 134.

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. Transferor herein is the present owner and operator of PUC No. 134 which is the subject of this proceeding.
2. This authority has been continually operated in the past until it was suspended to and including November 13, 1967, and by letter (Exhibit No. 4) was suspended for an additional 90 days until May 13, 1968.
3. Certificate of authority PUC No. 134 should be reinstated for the purpose of this transfer.
4. Bessemer Bus Corporation, doing business as "American Sightseeing of Colorado Springs", the Transferee, presently holds Certificate of authority PUC No. 101, PUC No. 213, PUC No. 704, PUC No. 1265, PUC No. 112 and PUC No. 1642, and further, Bessemer Bus Corporation, doing business as "Air Lines Cab Service", holds Certificate of authority PUC No. 1305 & I.
5. The parties have entered into an Agreement to transfer PUC No. 134 and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
6. The Certificate is free and clear of any debts, encumbrances or obligations.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. 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.
9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.
11. There is considerable duplication of authority and it would be in the best interests of all concerned, in the public interest and would be also do away with duplication of operating rights if the authority which is the subject of this transfer proceeding, namely, Certificate of authority PUC No. 134, were consolidated with Certificates of authority PUC No. 101, PUC No. 213 and PUC No. 704, as hereinafter set forth, and further that PUC Nos. 134, 213 and 704 be cancelled and the remaining authority be designated as PUC No. 101 and be operated by Bessemer Bus Corporation, doing business as "American Sightseeing of Colorado Springs", Transferee.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing the following:

1. Reinstate Certificate of authority PUC No. 134 for purpose of transfer.
2. Authorize W. A. Green, doing business as "Colorado Springs Sightseeing Co." to transfer all of his right, title and interest in and to Certificate of authority PUC No. 134 to Bessemer Bus Corporation, doing business as "American Sightseeing of Colorado Springs".
3. Cancel Certificate of authority PUC No. 704, PUC No. 213 and PUC No. 134.
4. That the authority under PUC Nos. 134, 704, 213 and 101 be combined and merged into one single authority to be known and numbered as PUC No. 101.
5. That henceforth the full and complete authority under PUC No. 101 shall read and be as follows, to-wit:

"(1) Transportation -- on call and demand -- of

Passengers

In sightseeing service from Manitou Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of six (6) cars.

(2) Transportation -- on call and demand -- of

Passengers

In sightseeing service from Colorado Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of twelve (12) cars.

(3) Transportation -- on call and demand -- of

Passengers

In sightseeing service from the Rodeo Camp Ground, Colorado Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of two (2) cars.

- (4) Transportation -- on call and demand -- of
Passengers

In auto livery service between all points in the
Pikes Peak sightseeing region and from and to
said points, to and from points in the State of
Colorado.

RESTRICTION:

Limited to the use of twenty (20) cars.

- (5) Transportation -- on call and demand -- of
Passengers and baggage

Between points within the City of Colorado
Springs, Colorado, when transported in connection
with a prior or subsequent use of sightseeing
service.

RESTRICTION:

Limited to the use of five (5) cars.

RESTRICTION:

This Certificate is further restricted as follows:

- (1) All sightseeing service to be performed shall
be limited to round-trip operations.
- (2) All auto livery service to be performed shall
not be advertised outside the County of El Paso,
State of Colorado, by means of any literature
or other written or printed advertising."

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 pro-
visions 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 Certificate PUC No. 134 be and hereby is, reinstated for the
purpose of accomplishing the transfer herein.

That W. A. Green, doing business as "Colorado Springs Sightseeing Co.,"

Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 134 to Bessemer Bus Corporation, doing business as "American Sightseeing of Colorado Springs," Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That the operating authorities as presently included under Certificates PUC Nos. 134, 704, 213 and 101 be combined, consolidated and merged into one single operating authority to be operated by Bessemer Bus Corporation, doing business as "American Sightseeing of Colorado Springs," and that said operating authority be known and numbered as PUC No. 101.

That henceforth the full and complete authority under Certificate PUC No. 101 shall read and be as follows, to-wit:

- (1) Transportation -- on call and demand -- of
Passengers

In sightseeing service from Manitou Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of six (6) cars.

- (2) Transportation -- on call and demand -- of
Passengers

In sightseeing service from Colorado Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of twelve (12) cars.

- (3) Transportation -- on call and demand -- of
Passengers

In sightseeing service from the Rodeo Camp Grounds, Colorado Springs, Colorado, to points in the Pikes Peak region.

RESTRICTION:

Limited to the use of two (2) cars.

- (4) Transportation -- on call and demand -- of
Passengers

In auto livery service between all points in the Pikes Peak sightseeing region and from and to said points, to and from points in the State of Colorado.

RESTRICTION:

Limited to the use of twenty (20) cars.

- (5) Transportation -- on call and demand -- of
Passengers and baggage

Between points within the City of Colorado Springs, Colorado, when transported in connection with a prior or subsequent use of sightseeing service.

RESTRICTION:

Limited to the use of five (5) cars.

RESTRICTION:

This Certificate is further restricted as follows:

- (1) All sightseeing service to be performed shall be limited to round-trip operations.
- (2) All auto livery service to be performed shall not be advertised outside the County of El Paso, State of Colorado, by means of any literature or other written or printed advertising.


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.

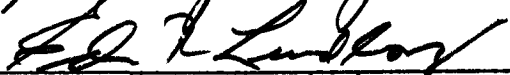
The tariff of rates, rules and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

The right of transferee to operate under this Order shall depend upon the prior filing of the annual report by transferor herein, covering the operation 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 HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 17th day of April, 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF CINDERS, CLAY OR)
SHALE (AGGREGATE) IN BULK, FROM)
IDEALITE COMPANY PLANT SITE NEAR)
ROCKY FLATS TO FORT COLLINS, COLORADO)

CASE NO. 1585

April 16, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 15, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, for and on behalf of The Weicker Transfer and Storage Company, filed 8th Revised Page No. 48-A to its Motor Freight Tariff No. 14, Colorado PUC No. 13>(*The Motor Truck Common Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto. The change herein represents a reduction in total charges for the account of Weicker.

The present rate of 5 cents per ton mile of 2,000 pounds from Idealite Plant Site to Fort Collins, based on 40,000 pounds minimum weight, produces revenue of 50 cents per round trip mile whereas the proposal via Weicker will result in 38 cents per round trip mile. In support of the reduced rate, Hubert Work, Executive Vice President, informs the Commission that air slide trailers suitable for cement hauls would be used on this transportation service with loads of cement being hauled on return trip to Denver whenever possible.

Since the current rate (\$2.25 per ton of 2000 pounds) is applicable for the account of Raymond Pherson and Patricia Pherson doing business as Pherson Trucking Company, and was prescribed in Decision No. 70921, dated February 19, 1968, the Commission finds, that on the basis presented by the proponent, sufficient revenue will

be generated under the proposed operation that the proposed rate appears to be just and reasonable and that the tariff filing should be permitted to go into effect.



O R D E R

THE COMMISSION ORDERS:

1. That the Statement, Findings of Fact, and Appendix "A" attached hereto, be, and they are hereby, made a part hereof.
2. That the rates and charges as set forth in Appendix "A", subject to the rules and regulations as provided in the aforesaid tariff, shall be the prescribed rates, rules, regulations and provisions of the Commission on and after April 17, 1968.
3. That on and after April 17, 1968, the affected motor vehicle common carriers shall cease and desist from demanding, charging and collecting rates and charges greater or less than those herein prescribed.
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 the order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further order of the Commission.
6. 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.
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



Commissioners

Dated at Denver, Colorado, this
16th day of April, 1968. av

Commissioner Howard S. Bjelland
necessarily absent and not partic-
ipating.

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
MOTOR FREIGHT TARIFF NO. 14
COLORADO PUC NO. 13*

(*THE MOTOR TRUCK COMMON CARRIERS' ASSOCIATION, AGENT, SERIES)

8TH REVISED PAGE NO. 48-A, EFFECTIVE APRIL 17, 1968

SECTION NO. 1
COMMODITY RATES

RATES ARE IN DOLLARS AND CENTS PER TON OF 2,000 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM	TO	RATES
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.		(ALL COLORADO)	
	CINDERS, CLAY OR SHALE (AGGREGATE), IN BULK, MINIMUM WEIGHT 40,000 POUNDS, EXCEPT AS NOTED. MINIMUM CHARGE ③ \$25.00 PER TRAILER.	IDEALITE COMPANY PLANT SITE NEAR ROCKY FLATS, COLORADO	BOULDER, DENVER BELLVIEW ENGLEWOOD GOLDEN LONGMONT LITTLETON HYGIENE LOVELAND GREELEY FT. COLLINS FT. MORGAN STERLING	① \$1.25 ② 1.00 \$1.25 \$1.30 \$1.40 \$1.50 ④ \$2.25 ② (R) ⑦ \$2.25 ⑤⑥ \$4.60 ⑤⑥ \$5.80
	(APPLIES ONLY VIA GOLDEN TRANSFER COMPANY, RAYMOND PHERSON AND PATRICIA M. PHERSON, D/B/A PHERSON TRUCKING COMPANY, RIO GRANDE MOTOR WAY, INC., AND WESTWAY MOTOR FREIGHT, INC., EXCEPT AS NOTED.)			
	① RATE WILL NOT APPLY VIA RAYMOND PHERSON AND PATRICIA M. PHERSON, D/B/A PHERSON TRUCKING COMPANY.			
	② RATE APPLIES ONLY VIA RAYMOND PHERSON AND PATRICIA M. PHERSON, D/B/A PHERSON TRUCKING COMPANY.			
	③ MINIMUM CHARGE WILL NOT APPLY ON SHIPMENTS TRANSPORTED FROM THE PLANT SITE TO BOULDER, COLORADO, BY RAYMOND PHERSON AND PATRICIA M. PHERSON, D/B/A PHERSON TRUCKING COMPANY.			
	④ RATE APPLIES VIA RAYMOND PHERSON AND PATRICIA M. PHERSON, D/B/A PHERSON TRUCKING COMPANY AND WESTWAY MOTOR FREIGHT, INC., ONLY.			
	⑤ MINIMUM WEIGHT 2,000 POUNDS.			
	⑥ RATE APPLIES VIA ATWOOD TRUCK LINE, INC., THE WEICKER TRANSFER & STORAGE COMPANY OR NORTH DENVER STORAGE CO., D/B/A WEICKER TRANSPORT CO., ONLY.			
	⑦ RATE APPLIES VIA THE WEICKER TRANSFER & STORAGE COMPANY.			

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METHOD OF COMPUTING DISTANCES TO BE USED IN ASSESSING DISTANCE RATES PUBLISHED IN THIS ITEM:

- (1) WHERE MILEAGES ARE SHOWN IN THE CURRENT COLORADO DEPARTMENT OF HIGHWAYS MAP VIA IMPROVED ROADS ONLY, SUCH MILEAGES SHALL BE USED TO DETERMINE THE DISTANCE OR PORTIONS OF SUCH DISTANCE VIA IMPROVED ROADS ONLY.
- (2) FOR DISTANCES FROM AND TO POINTS NOT COVERED BY THE MAP REFERRED TO IN PARAGRAPH (1) ABOVE, THE ACTUAL MILEAGE VIA THE SHORTEST PRACTICABLE ROUTE SHALL BE USED, EXCEPT THAT THE MAP WILL BE USED FOR SUCH PORTION OF THE DISTANCE AS MAY BE PROVIDED THEREON OR ASCERTAINABLE THEREFROM.
- (3) IN APPLYING THE DISTANCE RATES PROVIDED IN THIS ITEM, ALL MILEAGE TRAVELED ON COLORADO HIGHWAY 93 WILL BE CONSIDERED AS PLAINS TERRITORY.

INTERTERRITORIAL MOVEMENTS:

APPLY THE APPLICABLE RATE IN EACH TERRITORY FOR THE DISTANCE TRAVELED IN EACH RESPECTIVE TERRITORY.

- ⊕ DENOTES ADDITION
Ⓡ DENOTES REDUCTION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
EASTERN SLOPE RURAL TELEPHONE ASSOCIATION,)	
INC., P. O. BOX 397, HUGO, COLORADO, FOR)	
AN EXTENSION OF ITS CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO FURNISH TELE-	)	<u>APPLICATION NO. 23028</u>
PHONE COMMUNICATIONS SERVICE IN CERTAIN)	
AREAS LOCATED IN ADAMS AND WASHINGTON)	
COUNTIES, STATE OF COLORADO, AS MORE FULLY)	
SET FORTH IN SAID APPLICATION.)	

April 18, 1968

Appearances: Robert T. James, Esq., Colorado Springs, Colorado, for Applicant;

Luis D. Rovira, Esq., Denver, Colorado, for Mountain States Telephone and Telegraph Company;

Paul M. Brown, Denver, Colorado; and
Girts Krumins, Esq., Denver, Colorado, of the Staff of the Commission.

STATEMENT

BY THE COMMISSION:

The above-entitled matter was set for hearing, after due notice to all interested parties, on March 25, 1968, at 10:00 o'clock A.M., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was heard on said date.

No one appeared in protest to the application.

This is an application by Eastern Slope Rural Telephone Association, Inc., (Eastern Slope) seeking an extension of its Certificate of Public Convenience and Necessity to provide telephone service in an area located in Townships 1, 2, 3 and 4 South, in Ranges 54, 55, 56 and 57 West, in the Counties of Adams and Washington, State of Colorado.

Applicant is a not-for-profit corporation, organized and existing under and by virtue of the laws of the State of Colorado, engaged in the business of supplying telephone communications service presently in the Counties of Kiowa, Crowley, Elbert, Lincoln, Washington, Kit Carson and Cheyenne, in the State of Colorado, with Post Office address of P. O. Box 397, Hugo, Colorado, 80828, and is subject to the jurisdiction of this Commission.

Applicant originally obtained from this Commission a Certificate of Public Convenience and Necessity to operate as a telephone public utility under Decision No. 41282, of September 18, 1953. During this period it has developed eight (8) exchanges within its certificated areas. The extension sought in this certificate will be contiguous to the most Northerly boundary line of its existing certificate.

Applicant's Articles of Incorporation, as amended to date, have heretofore been filed with this Commission.

Mr. Wayne Kauffman, Manager of Eastern Slope testified at the hearing in regard to the instant application and Exhibits "A" through "I" inclusive, which exhibits included a legal description of the area proposed to be included within Eastern Slope's certificated area (Exhibit A), a map showing the said area with the location of proposed construction (Exhibit B), a feasibility study of the proposed area (Exhibit C) and a proposed tariff filing for the proposed area (Exhibit D).

Also included in the Exhibits were a profit and loss statement (Exhibit E) and balance sheet (Exhibit F) of recent date supporting Eastern Slope's ability to successfully operate said proposed area.

Mr. Glen E. Razak, Consulting Engineer for Eastern Slope, presented testimony relative to Exhibit "J" which sets forth the basic design and cost estimates for construction of the proposed system.

The total estimated cost of the facilities to be provided herein is One Hundred Eighteen Thousand One Hundred Ninety-Nine and 00/100 Dollars (\$118,199.00). Witness Kauffman testified that approximately

Twenty Thousand and 00/100 Dollars (\$20,000.00) of this cost would be supplied from the general funds of Eastern Slope and the balance would be supplied by the Rural Electrification Administration (REA) as a loan. Witness Kauffman testified that REA had committed these funds for this project, subject to the granting of a certificate by this Commission.

Witness Razak testified that the proposed construction should be completed and telephone service established by January 1, 1969.

The evidence showed that Mountain States Telephone and Telegraph Company (Mountain States) is presently rendering modern telephone service to a few customers in the Southwestern corner of said proposed area, that Eastern Slope is presently rendering modern telephone service to a few customers in the Southeastern corner of said area, and that the balance of the proposed area was either unserved, or being served by lines owned by the South Beaver Telephone Company (South Beaver) from a magneto telephone switchboard located at Woodrow, Colorado, owned by Bert McFall and Madge McFall, doing business as the Woodrow Telephone Company (McFall).

Neither dial telephone service nor any service from 8 P.M. to 7 A.M. is presently available to those customers of South Beaver or McFall. Eastern Slope proposes, by the instant application, to supply approximately 110 subscribers, residents of said proposed area, with modern automatic dial, one and five party service available 24 hours each day.

One resident of the proposed area, located in Section 25, of Township 4 South, Range 56 West, will continue to be served by Mountain States, and the area proposed to be certificated to Eastern Slope in its application should be modified to exclude such customer.

The evidence showed that Eastern Slope had entered into written agreements with South Beaver (Exhibit "G") and McFall (Exhibit "H") to purchase their telephone facilities in the proposed area, subject to the approval by this Commission, and had entered into a written

agreement (Exhibit "I") with Harry D. Gilbert to purchase one-half acre of land upon which to locate the central dial office for this proposed area.

Testimony by witness for Eastern Slope indicated that in addition to the subscriber above mentioned in Section 25, Mountain States also serves four more subscribers to the north located in Sections 4 and 5, Township 4 South, Range 56 West and Section 13, Township 4 South, Range 57 West. By oral agreement to be reduced to formal writing at the time of transfer, Eastern Slope will assume service to these subscribers and acquire the facilities of Mountain States serving these subscribers at depreciated original cost. No acquisition adjustment will obtain. These subscribers have assented to Eastern Slope service.

It appears, in addition to the above four subscribers, approximately nine subscribers now served from the Genoa Exchange of Eastern Slope have a community of interest directed toward the proposed Woodrow Exchange. They will be transferred into and served from said exchange.

The evidence showed that the area of community interest in said proposed area is centered around the Woodlin School, that residents of the area have requested Eastern Slope to serve said area for a period of time extending over the past five years, and that there is a need for modern telephone communications service in the entire proposed area and that a Certificate of Public Convenience and Necessity should be granted to Eastern Slope as requested in its application filed herein, excluding that area to be served by Mountain States.

F I N D I N G S

THE COMMISSION FINDS:

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

That the Commission is fully advised in the premises.

That the foregoing Statement should be, and hereby is, made a part hereof by reference.

That the project as proposed by Applicant is feasible.

That the public convenience and necessity require the acquisition, construction, operation and maintenance of the telephone system for local and toll service in the area hereinafter described as proposed in the application filed herein and as it may be extended from time to time and more particularly set forth in the Order to follow.

O R D E R

THE COMMISSION ORDERS:

That public convenience and necessity require and will continue to require the acquisition, construction, operation and maintenance of a telephone system as proposed to be acquired and constructed and as it may be extended from time to time in the following described area and this Order shall be taken, deemed and held to be a Certificate of Public Convenience and Necessity therefor:


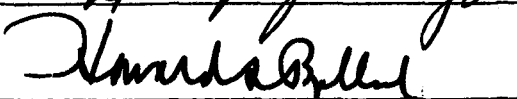
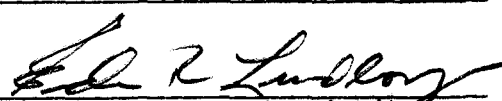
Commencing at the SW corner of the SE $\frac{1}{4}$ of Section 20, Township 4 South, Range 55 West, thence running West approximately 7 $\frac{1}{2}$ miles to the Northwest corner of Section 30, Township 4 South, Range 56 West, thence running North 4 miles to the Northwest corner of Section 6, Township 4 South, Range 56 West, thence running West 2 miles to the Southwest corner of Section 35, Township 3 South, Range 57 West; thence running North 6 miles to the Northwest corner of Section 2, Township 3 South, Range 57 West; thence running East 2 miles to the Northeast corner of Section 1, Township 3 South, Range 57 West; thence running 12 miles North to the Northwest corner of Section 6, Township 1 South, Range 56 West; thence running East 10 $\frac{1}{2}$ miles to the Northeast corner of the NW $\frac{1}{4}$ of Section 2, Township 1 South, Range 55 West; thence running South 12 miles to the Southeast corner of the SW $\frac{1}{4}$ of Section 35, Township 2 South, Range 55 West; thence East approximately one mile to the Northeast corner of the NW $\frac{1}{4}$ of Section one, Township 3 South, Range 55 West; thence South 6 miles to the Southeast corner of the SW $\frac{1}{4}$ of Section 36, Township 3 South, Range 55 West; thence West 4 miles to the Northwest corner of the NE $\frac{1}{4}$ of Section 5, Township 4 South, Range 55 West; thence South 4 miles to the Southwest corner of the SE $\frac{1}{4}$ of Section 20, Township 4 South, Range 55 West, to the point of beginning, in Adams and Washington Counties, State of Colorado.

That thirty (30) days prior to the establishing of service as contemplated herein, Eastern Slope shall file new or revised tariff sheets to include: a Title sheet, Contents or Index sheet, Woodrow Exchange map, revised Genoa Exchange map, Exchange Rates--Application and Local Exchange Rates for the proposed Woodrow Exchange, the last to be substantially in conformance with Exhibit "D" received into evidence herein.

That Eastern Slope shall continue to maintain its books and accounts in conformance with the Uniform System of Accounts and its practices in accordance with the Rules and Regulations as prescribed by this Commission.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 18th day of April, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CONTINENTAL BUS SYSTEM, INC. (ROCKY)
MOUNTAIN LINES DIVISION), 2450 CURTIS)
STREET, DENVER, COLORADO, AND THE)
WILDERNESS TRANSIT COMPANY, CRAIG,)
COLORADO, TO ENTER INTO AN AGREEMENT)
FOR THE HANDLING OF PASSENGERS,)
BAGGAGE AND EXPRESS BETWEEN RIFLE,)
GRAND JUNCTION AND WALKER AIR FIELD.)

APPLICATION NO. 22998

April 17, 1968

Appearances: John R. Barry, Esq., Denver,
Colorado, for Continental Bus
System, Inc. (Rocky Mountain
Lines Division);
Worth F. Shrimpton, Esq., Craig,
Colorado, for The Wilderness
Transit Company.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 22, 1967, the above-entitled application was filed re-
questing approval to enter into an agreement for the handling of passengers,
baggage and express between Rifle, Grand Junction and Walker Air Field, as
specifically set forth in said Agreement.

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.

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. The Wilderness Transit Company under its Certificate of Authority, PUC No. 3046, among other things, has authority to transport passengers, baggage and express between the Cities of Craig and Grand Junction, via Rifle, Colorado, over State Highway No. 789 and U.S. Highways 6 and 24; however, it is required to maintain a "closed door" operation over a portion of this route, namely, along U.S. Highways 6 and 24 between the Cities of Rifle and Grand Junction.
2. Continental Bus System, Inc., by its Certificate of Authority, PUC No. 1635, among other things, serves U.S. Highway 40 through the City of Craig, Colorado, and also serves along U.S. Highways 6 and 24 through Rifle, and between the Cities of Rifle and Grand Junction, Colorado. Continental Bus System, Inc., furnishes no service between the Cities of Craig and Rifle over State Highway No. 789.
3. The parties, Continental Bus System, Inc., and The Wilderness Transit Company, have entered into an Agreement, Exhibit No. 1, which Agreement provides as follows:

AGREEMENT

THIS AGREEMENT made and entered into this 6th day of October, 1967, by and between CONTINENTAL BUS SYSTEM, INC. (Rocky Mountain Lines Division) hereinafter called "Continental," party of the first part, and THE WILDERNESS TRANSIT, INC., a Colorado corporation of Craig, Colorado, hereinafter called "Wilderness," party of the second part, WITNESSETH:

RECITALS

Each of the parties hereto transports passengers, baggage and express in intrastate commerce under authority issued by the Public Utilities Commission of the State of Colorado. Continental transports baggage and express in inter- and intrastate commerce between Rifle, Colorado, and Grand Junction, Colorado, and intermediate points pursuant to its certificates. Wilderness transports passengers, baggage and express between Craig, Colorado and intermediate points North of Rifle, Colorado, to Rifle, Grand Junction, and intermediate points.

With full recognition by each of the parties to the exclusive intrastate rights of the other as above referred to, Continental has agreed to permit Wilderness to operate in the transportation of passengers, baggage and express over its intrastate rights as now owned and operated by Continental between Rifle and Grand Junction under the conditions set forth in this agreement, without, however, affecting the interstate rights of Continental, which rights are in no manner or respect subject to this agreement.

AGREEMENT

In consideration of the promises and of the covenants and agreements hereinafter contained, to be by the respective parties kept and performed, it is agreed by and between the parties hereto as follows:

1. Each of the parties hereto shall at all times continue to handle its own local passengers, baggage and express business within its own local territory, that is to say, Continental shall handle all local business between Rifle and Grand Junction, Colorado, and intermediate points including all intrastate business interchanged with connections at Rifle or Grand Junction originating in or destined to the territory between Rifle and Grand Junction inclusive, and Wilderness shall handle all local business between Craig and all intermediate points North of Rifle, Colorado, to Rifle or points intermediate between Rifle and Grand Junction, with connections at Rifle or Grand Junction, or Walker Air Field Airport destined to territory beyond Rifle or Grand Junction.

2. Subject to the rights of each party hereto to haul its local passengers within its local territory as set out in Paragraph 1 hereof, Continental grants to Wilderness the right and privilege of transporting passengers, baggage and express between Rifle and Grand Junction and Walker Airport and intermediate points on schedules Wilderness is presently operating.

3. The revenue accruing to the parties hereto between Rifle and Grand Junction and intermediate points from such operations shall be handled as follows:

(a) Continental will sell all tickets and bill all express at Rifle and Grand Junction and intermediate points through its established agents.

(b) Wilderness agrees that it will sell no cash fares at Rifle, Colorado, or the environs thereof.

(c) On all tickets sold, or express billed by Continental to points between Rifle and Grand Junction and transported by Wilderness, Wilderness shall reclaim against Continental for 75% of 100% of Continental's published tariffs on all business sold at the following points: Rulison, Grand Valley, DeBeque, Anvil point, Walker Field. On all tickets or express sold at Grand Junction to the above-referred-to points, Wilderness shall reclaim against Continental for 75% of 100 of Continental's published tariffs.

Example: The present tariff of Continental between Rifle and Grand Junction is \$2.10; the selling agent at Rifle receives a 10% commission, or 21¢, which, when deducted from the \$2.10 fare leaves a balance of \$1.89.

For persons hauled by Wilderness, Wilderness will reclaim under this agreement for 75% of \$1.89 or \$1.4175. Since the agent at Grand Junction receives 11% the same example would be

applicable except that Wilderness's reclaim would be 75% of 100% as hereinabove stated. This formula will be applicable to both passengers and express transported by Wilderness.

(d) At the end of each month, Wilderness will bill Continental pursuant to this agreement for all transportation performed during the preceding calendar month by Wilderness, and Continental will remit to Wilderness the money owed pursuant hereto.

4. It is mutually agreed that this agreement revolves around these schedules presently being operated by Wilderness and in the event Wilderness should desire to change its schedules such change must be approved in writing by Continental. This approval will not be necessary if said schedule changes are made to meet schedule changes of Frontier Airlines from Walker Field or Yampa Valley Airport.

5. Wilderness shall be responsible for and shall pay to the State of Colorado the Highway Compensation Tax on account of passengers handled on its equipment.

6. Each of the parties hereto shall be solely liable for loss of or damage to property or injury to or the death of persons occurring while such property or persons are being carried on its own equipment or while in its own custody or control, and each of the parties hereto, with respect to property or persons while being transported by it or while in its custody or control, agrees to indemnify, save harmless and defend the other party from all claims, demands, damages, actions or causes of action growing out of or arising from loss of or damage to such property or injury to or the death of such persons. Wilderness agrees to carry and keep in full force and effect public liability and property damage insurance protection for the benefit of the public in the minimum amounts of \$100,000.00 and \$300,000.00, and agrees to make Continental an additional insured on such policy and provide Continental with a copy of such policy and the renewals thereof as said policy is renewed. However, any damage or loss occasioned by the existence of either party shall not be deemed the liability of the other party.

7. As between the parties, passengers, and their baggage, all property shall be deemed to be in the custody or control of the party in whose equipment same are to be or shall have been transported, while said passengers, baggage and property are in the depot of such party or in the joint depots of the parties hereto, regardless of the billing of property of the tickets held by such passengers.

8. It is expressly understood and agreed that nothing herein contained shall be taken or held to constitute a grant by one party to the other of any vested or other right or interest in and to its certificates of public convenience and necessity or the operating rights granted by such certificates, nor shall operations by the parties under this agreement ripen into any vested right or privilege to continue such operations after the expiration of this agreement. Upon the termination of this Agreement as hereinafter provided, Wilderness agrees to cease and desist from operating any intrastate transportation service over the certificates of Continental and to re-establish the interchange of passengers, baggage and express at Rifle and Grand Junction, Colorado.

9. This agreement shall inure to the benefit of and be binding upon the parties hereto and their respective successors or assigns for a period of one year from and after the date hereof, and thereafter until terminated by thirty (30) days' written notice given by registered mail by one party or the other of a desire to terminate the same.

10. This agreement shall be subject to the approval of the Public Utilities Commission of the State of Colorado, and the parties hereto agree to cooperate in filing an application for and in proceedings to secure approval of this agreement by said Commission.

4. Providing transportation facilities pursuant to said Agreement would better serve the public in the area covered by the Agreement, as well as other areas served by the parties to the Agreement.
5. The furnishing of transportation facilities pursuant to said Agreement would be in the best interests of all concerned and said Agreement should be approved.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order approving the Agreement as above set forth and that the parties, The Wilderness Transit Company and Continental Bus System, Inc., be and are hereby authorized to conduct their operations pursuant to the terms of said Agreement.

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.

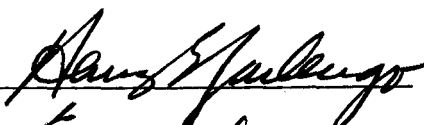
O R D E R


THE COMMISSION ORDERS:

That the Commission make and enter its Order approving the Agreement as made and entered into by and between Continental Bus System, Inc. (Rocky Mountain Lines Division) and The Wilderness Transit Company for the handling of passengers, baggage and express between Rifle, Grand Junction, and Walker Air Field, State of Colorado, according to the terms and conditions as above set forth in Finding No. 3 of the Examiner's Findings of Fact.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 17th day of April, 1968.
bk

Original

(Decision No. 71195)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED CHARTER
COACH CHARGES COLORADO MOTORWAY, INC.,
COLORADO TRANSPORTATION COMPANY D/B/A
ROCKY MOUNTAIN MOTOR COMPANY, NATIONAL
BUS TRAFFIC ASSOCIATION, INC., AGENT,
CHARTER COACH TARIFF NO. A-405,
COLORADO PUC NO. 145

Investigation and Suspension
Docket No. 606

April 16, 1968

STATEMENT AND FINDINGS

BY THE COMMISSION:

By Decision No. 71088, dated March 26, 1968, the operation of schedule of increased charges for the transportation of passengers in charter coach movements as published in National Bus Traffic Association, Inc., Agent, 4th Revised Page B-1 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, on behalf of Colorado Motorway, Inc., Colorado Transportation Company d/b/a Rocky Mountain Motor Company, making changes in Exception 1, scheduled to become effective April 1, 1968, was suspended and the use thereof deferred until the 16th day of May, 1968. Decision No. 71141, dated April 8, 1968, continued and reset the matter for hearing on May 7, 1968.

Respondent's tariff publisher, by letter dated March 29, 1968, advises that Colorado Motorway, Inc., Colorado Transportation Company d/b/a Rocky Mountain Motor Company desires to withdraw the suspended rates and charges; that respondent publishes rates for limousine service in its individual tariff and the republication of such rates in this Association's Colorado-Utah area Charter Coach Tariff No. A-405, Colorado PUC No. 145, would result in conflicting rates on file with this Commission; and that in lieu thereof it be allowed to cancel conflicting and/or duplicating rates. Special permission is requested to issue 5th Revised Page B-1 to the aforesaid tariff for the purpose of restricting Exception 1, under the application of Colorado Transportation Company

(Rocky Mountain Motor Company d/b/a) to apply to interstate traffic only.


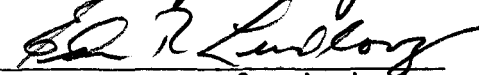
Upon consideration of said request, the Commission finds that the respondent should be allowed to withdraw the referenced suspended matter, and that special permission should be granted for the purpose of removing the conflicting and duplicating rates and charges, and that the proceeding under Investigation and Suspension Docket No. 606 should be 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 4th revised page B-1 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, referred to in Decision No. 71088, dated March 26, 1968, and in lieu thereof publish 5th Revised Page B-1, to the aforementioned tariff, removing the conflicts as referred to in the Statement and Findings, on or before May 7, 1968, upon notice to the Commission and to the general public by not less than one (1) day's filing and posting in the manner prescribed by law and the rules and regulations of the Commission.
3. That Investigation and Suspension Docket No. 606 presently set for hearing on May 7, 1968, in the Commission Hearing Room 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
16th day of April, 1968. av

Commissioner Howard S. Bjelland
necessarily absent and not
participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON J. NOLDE, DOING BUSINESS AS)
"DON'S DISPOSAL," 850 - 39TH)
STREET, BOULDER, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3500)
TO BESTWAY DISPOSAL CO., DOING)
BUSINESS AS "FLATIRONS DISPOSAL,")
2460 GRAPE STREET, BOULDER, COLORADO.)

APPLICATION NO. 22614-Transfer

April 17, 1968

Appearances: David W. Griffith, Esq., Boulder,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 24, 1967, the above-entitled application was filed re-
questing authority to transfer Certificate PUC No. 3500.

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 ap-
peared at the hearing to intervene or to protest the granting of the author-
ity 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 is the present owner and operator of PUC No. 3500, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee presently holds Certificate of authority PUC No. 3235 which duplicates in part PUC No. 3500 which is the authority being transferred herein.
4. PUC No. 3235 is broader in scope than PUC No. 3500 and for that reason the authority being transferred should be cancelled and the authority contained therein, which does not duplicate PUC No. 3235, be rewritten and made a part of PUC No. 3235 as hereinafter set forth.
5. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
6. The Certificate is encumbered pursuant to the Security Agreement identified as Exhibit "A", which encumbrance should be approved.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. 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.
9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

- That the Commission make and enter its Order
- (1) Authorizing the Transferor to transfer all of his right, title and interest in and to PUC No. 3500 to Bestway Disposal Co., doing business as "Flatirons Disposal";
 - (2) That the Commission approve the encumbrance to be placed upon PUC No. 3235;
 - (3) That the Commission cancel Certificate of Authority PUC No. 3500.
 - (4) That henceforth the full and complete authority under PUC No. 3235 shall be as follows:

(1) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From points within the City of Boulder, Colorado, and a five (5) mile radius thereof to designated and approved dumps and disposal sites in the County of Boulder, State of Colorado.

(2) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From Niwot, Colorado, to designated and approved dumps and disposal sites in the County of Boulder, State of Colorado.

(3) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From points within an area described as follows:

Commencing at the intersection of Colorado Highway No. 119 and Highway U. S. 287, thence south along U. S. 287 to the intersection of the South Boulder Road, thence west three and one-half (3½) miles along South Boulder Road, thence northwest along a line ten (10) miles to a point on Colorado Highway 119 six (6) miles southwest of Longmont, Colorado, thence along Highway 119 to the point of beginning, to designated and approved dumps and disposal sites in the County of Boulder, State of Colorado.

RESTRICTION:

Restricted against service in the Town of Lafayette, Colorado."

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 Don J. Nolde, doing business as "Don's Disposal," Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and

interest in and to Certificate PUC No. 3500, to Bestway Disposal Co., doing business as "Flatirons Disposal," Boulder, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That the Security Agreement as made and entered into by and between the transferor and transferee herein be approved according to the terms and conditions as set forth therein.

That Certificate PUC No. 3500 be, and hereby is, cancelled.

That henceforth the full and complete authority under Certificate PUC No. 3235 shall read and be as follows, to-wit:

(1) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From points within the City of Boulder, State of Colorado and a five (5) mile radius thereof to designated and approved dump and disposal sites in the County of Boulder, State of Colorado.

(2) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From points within Niwot, Colorado to designated and approved dump and disposal sites in the County of Boulder, State of Colorado.

(3) Transportation -- on call and demand -- of

Ashes, trash and other refuse

From all points within the following described area:

Commencing at the intersection of Colorado Highway No. 119 and Highway U. S. 287, thence south along U. S. 287 to the intersection of the South Boulder Road, thence west three and one-half (3½) miles along South Boulder Road, thence northwest along a line ten (10) miles to a point on Colorado Highway 119 six (6) miles southwest of Longmont, Colorado, thence along Highway 119 to the point of beginning, to designated and approved dumps and disposal sites in the County of Boulder, State of Colorado.

RESTRICTION:

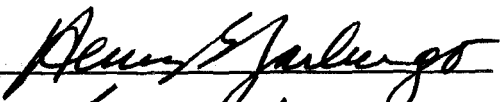

Restricted against service in the Town of Lafayette, Colorado.

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 this Order shall automatically revoke the authority granted herein 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.

That this Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING

Dated at Denver, Colorado,
this 17th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUSSELL M. CURRY, 1314 BALSAM,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER PERMIT NO.)
B-6221.)

APPLICATION NO. 23018-PP-Extension

April 17, 1968

Appearances: George C. Aucoin, Esq., Denver,
Colorado, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Buehler Transfer
Co.; Johnson Moving & Storage Co.;
Denver Moving & Storage;
Merchants Transfer & Storage Co.;
Acme Delivery Service, Inc.;
Weicker Transfer & Storage Co.;
Ford Van Lines, and Hoffman
Transfer, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 23, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-6221 in the precise manner as fully 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 -- 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 -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing Applicant amended his application so as to restrict himself to the use of one (1) 3/4 ton truck and inasmuch as said amendment is restrictive in nature it was granted, whereupon Protestants withdrew."

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 presently holds authority from this Commission under Permit No. B-6221.
3. The authority to which extension is hereby sought, Permit No. B-6221, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application for extension Applicant seeks to extend Permit No. B-6221 so as to delete certain customers and add others so that he would serve the following business houses, to-wit: Baldwin Auction Co., Woody's Furniture and McIntyre Furniture, between points within a fifty (50) mile radius of Denver, Colorado. Restricted to the use of one (1) 3/4 ton vehicle.
5. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
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 the safety requirements of the Commission. Further, Applicant has or will make adequate provisions for insurance.
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. 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.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6221 by deleting certain customers and adding others so as to transport merchandise for the following business houses, to-wit: Baldwin Auction Co., Lakewood Trailer Sales, American Finance Co., Woody's Furniture and McIntyre Furniture, between points within a fifty (50) mile radius of Denver, Colorado, restricted to the use of one (1) 3/4 ton vehicle, and that henceforth the entire authority under Permit No. B-6221 shall be as follows:

(1) Transportation of

General commodities

For the following business houses, to-wit:
Baldwin Auction Co., Lakewood Trailer Sales,
American Finance Co., Woody's Furniture
and McIntyre Furniture

Between all points within a fifty (50) mile
radius of Denver, Colorado.

RESTRICTION:

This permit is limited to the use of one (1) 3/4
ton vehicle."

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 Russell M. Curry, Denver, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-6221 by (1) deleting the following-named customers that are presently being served under said Permit: Allied Trailer Sales, B & H Sales and Chief Furniture Co., and (2) by adding to said Permit the following new customers that may be served thereunder:

American Finance Co., Woody's Furniture and McIntyre Furniture.

That henceforth the full and complete authority under Permit No. B-6221 as extended shall read and be as follows, to-wit:

(1) Transportation of

General commodities

Between all points within a fifty (50) mile radius of Denver, Colorado.

RESTRICTION:

(1) This permit is restricted to the use of only one (1) 3/4 ton vehicle.

(2) This permit is restricted to service for only the following-named customers:

Baldwin Auction Co.
Lakewood Sales
American Finance Co.
Woody's Furniture
McIntyre Furniture

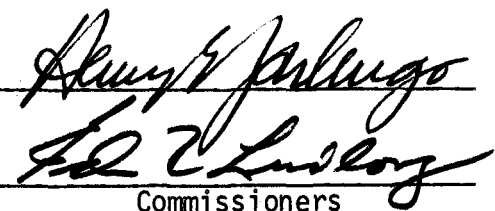
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT
AND NOT PARTICIPATING

Dated at Denver, Colorado,
this 17th day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
EVERETT J. KNIGHT
832 SUMNER STREET
LONGMONT, COLORADO 80501

PERMIT NO. B-6881

April 18, 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

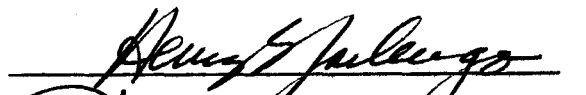
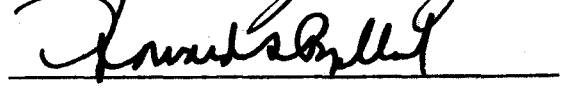

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 4, 1968 to and including September 4, 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 18th day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
DOMINIC R. GRANO
5631 WEST 36TH PLACE
DENVER, COLORADO 80212

* * *
)
}
}

PERMIT NO. A-6667

April 18, 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 April 10, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Gallegos
Howard S. Miller
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 18th day of April 1968
1s

(Decision No. 71200)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
M. K. McELFRESH, KANORADO, KANSAS,)	
FOR AUTHORITY TO TRANSFER PUC NO.)	<u>APPLICATION NO. 23044-Transfer</u>
912 TO FRED E. WITZEL, DOING BUSI-)	
NESS AS "WITZEL TRUCK LINES," BUR-)	
LINGTON, COLORADO.)	

April 19, 1968

Appearances: Dean Johnson, Esq., Burlington,
Colorado, for Transferor and
Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 14, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 912.

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. Transferor herein is the present owner and operator of PUC No. 912, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee presently holds authority under Permit No. B-6082. There is no duplication of authority involved herein.
4. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. The area description served by this authority merely sets forth 4 points on a compass; however, the intent was to describe an area, and the authority should therefore be redescribed as hereinafter set forth.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. 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.
9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operation rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 912 to Fred E. Witzel, doing business as "Witzel Truck Lines", and that henceforth the full and complete authority under said PUC No. 912 shall read as follows, to-wit:

"(1) Transportation -- on call and demand -- of

Farm products (including livestock), farm supplies, farm equipment and used household furniture.

Between all points within the following-described area:

Commencing at the south boundary of Kit Carson County and the Colorado-Kansas State Line, thence north a distance of fifty-three (53) miles along said state line, thence west a distance of thirty-two (32) miles, thence south a distance of fifty-five (55) miles, thence east a distance of thirty-five (35) miles to point of beginning, to and from said point, from and to points in the State of Colorado.

(2) Transportation -- call and demand -- of
Lumber

From Burlington, Colorado, to points in the State of Colorado.

RESTRICTION:

This Certificate is restricted against service between points in competition with line-haul common carriers, of all commodities other than farm products."

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 M. K. McElfresh, Kanorado, Kansas, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 912, to Fred E. Witzel, doing business as "Witzel Truck Lines," Burlington, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 912 shall read and be as follows, to-wit:

(1) Transportation -- on call and demand -- of
Farm products (including livestock), farm supplies,
farm equipment and used household furniture.

Between all points in the following-described area:

Commencing at the south boundary of Kit Carson County and the Colorado-Kansas State Line, thence north a distance of fifty-three (53) miles along said state line, thence west a distance of thirty-two (32) miles, thence south a distance of fifty-five (55) miles, thence east a distance of thirty-five (35) miles to point of beginning, to and from said point, from and to points in the State of Colorado.

(2) Transportation -- on call and demand -- of

Lumber

From Burlington, Colorado, to all points in the State of Colorado.

RESTRICTION:

This Certificate is restricted against service when in competition with line-haul common carriers when transporting farm supplies, farm equipment and used household furniture.


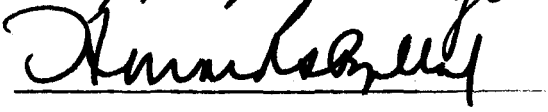
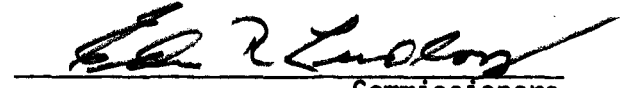
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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




Commissioners

Dated at Denver, Colorado,
this 19th day of April, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF MOUNTAIN AGGREGATES, INC., BOX H, EMPIRE, COLORADO, FOR A CLASS "B" PERMIT TO OPERATE AS A PRIVATE CARRIER BY MOTOR VEHICLE FOR HIRE.)))))	<u>APPLICATION NO. 23081-PP</u>
---	-----------------------	---------------------------------

April 19, 1968

Appearances: Stow L. Witwer, Jr., Esq., Greeley,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 8, 1968, 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 Colorado corporation duly authorized to do business in the State of Colorado.
2. Applicant presently holds authority from this Commission under Permit No. M-1643 issued in its corporate name.
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

(1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways.

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points.

(2) 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 one hundred (100) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of one-hundred (100) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Sugar beets

From supply points to factories and processing plants within one hundred (100) mile radius of said supply points.

(6) Natural fertilizer

From supply points to points within a fifty (50) mile radius of said supply points."

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 Mountain Aggregates, Inc., Empire, Colorado, ~~be~~, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways.

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred (100) miles of said pits and supply points.

(2) 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 one hundred (100) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred (100) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred (100) miles of said pits and supply points.

Transportation of

(5) Sugar beets

From supply points to factories and processing plants within one hundred (100) mile radius of said supply points.

Transportation of

(6) Natural fertilizer

From supply points to points within a fifty (50) mile radius of said supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

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

Henry G. Gault
Donald B. Bell

Edna J. Lusk
Commissioner

Dated at Denver, Colorado,
this 19th day of April, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD JOEL PETTINGELL, BOX 709,)
ESTES PARK, COLORADO, FOR A CERTIFI-)
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING THE EXTENSION)
OF OPERATIONS UNDER PUC NO. 6638.)

APPLICATION NO. 23016-Extension

April 22, 1968

Appearances: Richard Joel Pettingell, Estes
Park, Colorado, pro se;
David Butler, Esq., Denver,
Colorado, for Colorado Trans-
portation Company, Protestant;
Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 26, 1967, the above-entitled application was filed re-
questing authority to extend operations under Certificate PUC No. 6638 in the
precise manner as fully 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 of the instant proceeding to-
gether with a written statement of his Conclusions.

Specifically, the submitted Examiner's Conclusions read as follows,
to-wit:

"EXAMINER CONCLUSIONS

That the Commission make and enter its Order to continue and re-
set for hearing Application No. 23016-Extension in the Hearing Room of
the Commission, 507 Columbine Building, 1845 Sherman Street, on May 10,
1968 at 10:00 o'clock A.M."


The Commission has given careful consideration to the record in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, and, in accordance therewith, makes and enters the following Order.

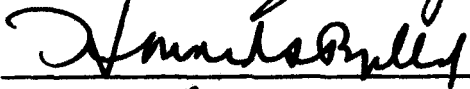
O R D E R


THE COMMISSION ORDERS:

That Application No. 23016-Extension, be, and hereby is, continued and re-set for hearing on May 10, 1968 at 10 a.m., at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1968
et

(Decision No. 71203)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MELVIN STASKO, P. O. BOX 161, EAGLE,)	
COLORADO, FOR A CLASS "B" PERMIT TO)	<u>APPLICATION NO. 23020-PP</u>
OPERATE AS A PRIVATE CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	

April 22, 1968

Appearances: Melvin Stasko, Eagle,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 24, 1968, 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

- (1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of sixty (60) miles of said forests;

- (2) Rough lumber

From sawmills in said sixty (60) mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service."

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 Melvin Stasko, Eagle, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of sixty (60) miles of said forests.

(2) Rough lumber

From sawmills in said sixty (60) mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is 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 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. Hedges
Donald B. Hill
Ed R. Lullong
Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1968.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN H. HILL, 5250 WEST 53RD AVENUE,)
NO. 60, ARVADA, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23071-PP

April 22, 1968

Appearances: Dean H. Hill, Arvada, Colorado,
pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 28, 1968, 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

- (1) 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;

- (2) 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;

- (3) 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;

- (4) 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;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Fertilizer

From pits and supply points in the State of Colorado, to points and places within a radius of 100 miles of said pits and supply points;

(6) Clay

From pits and supply points in the State of Colorado, to points and places within a radius of 100 miles of said pits and supply points."

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 Dean H. Hill, Arvada, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

- (1) 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.

- (2) 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.

- (3) 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.

(4) 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.

(5) Fertilizer

From pits and supply points in the State of Colorado to points and places within a radius of 100 miles of said pits and supply points.

(6) Clay

From pits and supply points in the State of Colorado to points and places within a radius of 100 miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

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

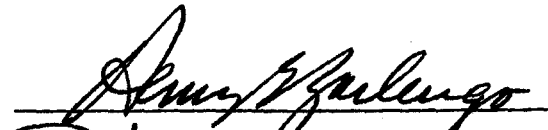

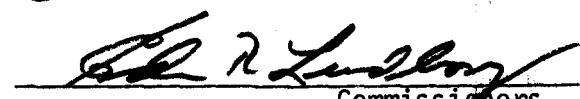
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 22nd day of April, 1968.

1s

Magnum

(Decision No. 71205)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE FREIGHT, ALL KINDS, FROM THE)
TRANSPORTING CARRIERS OWN PUBLIC)
WAREHOUSE TO TERMINALS OR DOCKS)
OF OVER-THE-ROAD FOR-HIRE CARRIERS)
-----)

INVESTIGATION AND SUSPENSION
DOCKET NO. 607

April 19, 1968

STATEMENT AND FINDINGS

BY THE COMMISSION:

On March 22, 1968, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, for and on behalf of carriers for hire, party to Local Cartage Tariff No. 15, Colorado PUC No. 13, filed 6th Revised Page No. 11, providing a new item thereof, No. 130, reducing the rates and charges applicable as follows:

(Schedule is published to become effective April 22, 1968)

Item No. Commodity Rates

FREIGHT, ALL KINDS

 / From the transporting carriers own Public Warehouse in Denver
130 or in the Metropolitan Area (as described in item 10) to the
 terminals or docks of over-the-road for-hire freight carriers
 located in Denver or in the Metropolitan Area (as described
 in Item 10):
 Less than truckload 28¢ per 100 pounds
 Minimum weight 10,000 pounds 26¢ per 100 pounds
 (Subject to Item 70)

/ denotes addition

Ⓡ denotes reduction

Item No. RULES AND REGULATIONS

DESCRIPTION OF METROPOLITAN AREA OF DENVER

10 The Metropolitan Area includes all points within a five-mile
 airline distance from the boundary lines of the City of
 Denver, except Arvada.

VARYING MINIMUM WEIGHTS:

70 In no case shall the charge for a given shipment be greater
 than the charge for a shipment with a greater weight of the
 same commodity, from and to the same point.

Upon the consideration of the said schedule, the rules applicable thereto, and the reduced rates and charges, it is the opinion of the Commission that it may, if permitted to become effective, result in charges that may be in violation of the Public Utilities Law. It is the opinion of the Commission that the said schedule should be suspended and an investigation entered into and concerning the lawfulness of the rates and charges contained therein.

O R D E R

THE COMMISSION ORDERS:

1. That the statement and findings be, and they are hereby, made a part hereof.

2. That it shall enter upon a hearing concerning the lawfulness of the reduced rates as proposed and set forth in the statement hereof.

3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including August 20, 1968, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.

5. 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, or any extension thereof, has expired, unless otherwise ordered by the Commission.


6. That a copy of this order shall be filed with the schedule in the office of the Commission and a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado 80216, and that carriers involved herein, party to said tariff, be, and they are hereby, made respondents in this proceeding. The necessary suspension supplement

shall be issued to the referenced tariff.

7. That seven days prior to the hearing date herein, respondents shall provide the secretary of the Commission with copies of any and all exhibits which are intended to be introduced in evidence in support of their case.

8. That this Investigation and Suspension Docket No. 607 be, and the same is hereby, set for hearing before the Commission on the 29th day of May, 1968, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado, this
19th day of April, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)
ANTHONY BARATONA, DOING BUSINESS AS)
"TOM'S TOASTED PEANUTS," 617 PINE)
STREET, TRINIDAD, COLORADO 81082)

PERMIT NO. M-14774

April 22, 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 April 16, 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 22nd day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
THOMAS E. PARKES
BREEZE & RAILROAD
CRAIG, COLORADO 81626

* * *
)
}
}
}

PERMIT NO. M-11978

April 22, 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 April 23, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Gulberg
Donald Britten
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE HERZOG)
P. O. BOX 82-A)
PADRONI, COLORADO 80745)

PERMIT NO. M-13618

April 22, 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 April 14, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Harlow
Harold B. Miller
Edw. R. Lusk
Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF CLARIFICATION)
OF GENERIC HEADING TO INCLUDE)
TURBINE FUEL AND JET FUELS)
(JP-1, 2, 3, 4 and 5))
-----)

CASE NO. 1585

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 29, 1968, Ward Transport, Inc., individually, in its
Tariff No. C-4, Colorado PUC No. 4, and Colorado Motor Carriers'
Association, Agent, Tariff No. 7-A, Colorado PUC No. 12, filed sepa-
rately, tariffs making changes as set forth in Appendix "A" attached
hereto, scheduled to become effective April 29, 1968.

In support of these adjustments in tariff provisions, Mr.
D. S. Smith, Sales and Traffic Manager, Ward Transport, Inc., states
in a letter, dated April 6, 1968, that: --

"Turbine Fuel" is one of clarification and to specify that
this generic classification used by shippers is a commodity
for which rates named in the sections enumerated therein
apply.

"The additions to subparagraphs (a) and (b) of Items 10 and
12 are to specify the precise grade of jet fuel and turbine
fuel to which either Column A, A-1, B or B-1 is to apply.
The changes are based upon weight information supplied
by the shippers of these products. The purpose is to
eliminate any confusion or ambiguity in these items.

"The addition of a holiday provision in the item applicable
to continuous service provision is justified on the basis
that many shippers close either one or both the points
of origin and destination for 24 hours during various
holidays. To make the applicability of the provision in-
clude such holidays in the computation of hours required
would be to penalize a shipper by making him perform in
six days what may only be practically done in seven days.
Such a result is not beneficial to either the shipper
or carrier and not within the purpose of the provision."

Since the changes as proposed in Appendix "A" attached hereto
appear to represent just, fair and reasonable rates and charges, the
Commission states and finds that an order should be entered prescribing

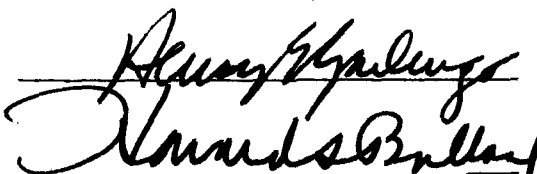
the same, under the provisions of Rule 18 C (1) (a) of the Commission's Rules of Practice and Procedure.

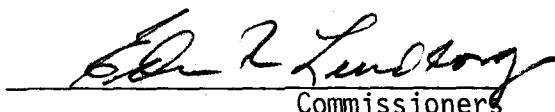
O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and they 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 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.
6. 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.
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





Commissioners

Dated at Denver, Colorado, this
24th day of April, 1968. av

APPENDIX "A"

COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT
MOTOR FREIGHT TARIFF NO. 7-A
COLORADO PUC No. 12

ISSUED: MARCH 28, 1968
EFFECTIVE: APRIL 29, 1968

ITEM No.	RULES AND REGULATIONS
-------------	-----------------------

3RD REVISED PAGE NO. 6

COMMODITIES FOR WHICH RATES ARE NAMED IN SECTIONS 1, 2 AND 3:

PETROLEUM AND PETROLEUM PRODUCTS, VIZ.:

ABSORPTION OIL

BLENDED GASOLINE (SEE NOTE 1)

GASOLINE (EXCEPT CASINGHEAD (NATURAL) GASOLINE)

JET FUEL

NAPHTHA

REFINED OIL, VIZ.: ILLUMINATING OR BURNING (SEE NOTE 2); GAS OIL;
DIESEL FUEL, OR DISTILLATE.

⊘ TURBINE FUEL
IN BULK IN TANK TRUCKS.

WHEN, DUE TO LAWS RESTRICTING GROSS WEIGHT OF EQUIPMENT AND LOADS,
CARRIER IS UNABLE TO LOAD TO CAPACITY OF THE EQUIPMENT FURNISHED,
CHARGES WILL BE BASED ON THE ACTUAL GALLONS TRANSPORTED.

- 10 NOTE 1: THE TERM "BLENDED GASOLINE" COVERS MOTOR FUELS CONTAINING 50
PER CENT OR MORE OF GASOLINE.
- NOTE 2: DOES NOT INCLUDE RESIDUAL FUEL OIL OR BURNER FUEL NOS. 3, 4, 5
AND 6.
- (A) EXCEPT AS OTHERWISE PROVIDED, RATES NAMED IN COLUMN A APPLY ON
GASOLINE; JET FUEL ⊘ (JP 1, 2 OR 3); NAPHTHAS OR SOLVENTS WEIGHING
6.6 POUNDS PER GALLON OR LESS, AND ⊘ TURBINE FUEL WEIGHING 6.6
POUNDS PER GALLON OR LESS, IN BULK, IN TANK VEHICLES, MINIMUM
SHIPMENT 8,000 GALLONS.
- (B) EXCEPT AS OTHERWISE PROVIDED, RATES NAMED IN COLUMN B APPLY ON
KEROSENE; DISTILLATE FUEL OILS; ⊘ JET FUEL (JP 4 AND 5); NAPHTHAS
OR SOLVENTS WEIGHING MORE THAN 6.6 POUNDS PER GALLON, AND ⊘
TURBINE FUEL WEIGHING MORE THAN 6.6 PER GALLON, IN BULK IN TANK
VEHICLES, MINIMUM SHIPMENT 7,000 GALLONS.
- (C) WHEN TWO OR MORE COMMODITIES NAMED IN THIS TARIFF AND TAKING
DIFFERENT RATES ARE SHIPPED AT ONE TIME IN A COMPARTMENT TRANSPORT
OR TANK TRUCK, THE CHARGES SHALL BE COMPUTED ON THE BASIS OF ACTUAL
GALLONAGE OF EACH COMMODITY AT ITS RESPECTIVE RATE, SUBJECT TO A
MINIMUM CHARGE ON THE ENTIRE SHIPMENT BASED ON THE LOWEST RATE
APPLICABLE TO ANY COMMODITY IN THE SHIPMENT AND THE MINIMUM
GALLONS APPLICABLE TO THAT RATE.
-

APPLICATION OF RATES SHOWN IN COLUMNS A-1 AND B-1:

RATES NAMED IN COLUMN A-1 AND B-1 WILL APPLY ONLY UNDER THE FOLLOWING CONDITIONS:

- (A) RATES IN COLUMN A-1 WILL APPLY ON SHIPMENTS OF GASOLINE; JET FUEL / (C) (JP 1, 2 OR 3); NAPTHAS OR SOLVENTS WEIGHING 6.6 POUNDS PER GALLON OR LESS, AND / (C) TURBINE FUEL WEIGHING 6.6 POUNDS PER GALLON OR LESS, IN BULK IN TANK VEHICLES.
- (B) RATES IN COLUMN B-1 WILL APPLY ON SHIPMENTS OF KEROSENE; DISTILLATE FUEL OILS; / (A) JET FUEL (JP 4 AND 5); NAPTHAS OR SOLVENTS WEIGHING MORE THAN 6.6 POUNDS PER GALLON, AND / (A) TURBINE FUEL WEIGHING MORE THAN 6.6 POUNDS PER GALLON, IN BULK IN TANK VEHICLES.
- (C) CARRIER MUST BE ALLOWED CONTINUOUS LOADING AND UNLOADING FROM 12:01 A.M., MONDAY UNTIL 12:00 MIDNIGHT SATURDAY.
- (D) BILL OF LADING MUST BE MARKED TO INDICATE THAT SHIPMENTS ARE MOVING UNDER PROVISIONS OF ITEM 12 OF TARIFF COLO. PUC No. 12.
- (E) MINIMUM SHIPMENTS MOVING UNDER RATES NAMED IN COLUMN A-1, IN STRAIGHT TRUCKLOADS, IN BULK IN TANK VEHICLES, WILL BE 9,000 GALLONS. MINIMUM SHIPMENTS MOVING UNDER RATES NAMED IN COLUMN B-1, IN STRAIGHT TRUCKLOADS, IN BULK IN TANK VEHICLES, WILL BE 8,000 GALLONS. WHEN TWO OR MORE COMMODITIES NAMED IN THIS TARIFF AND TAKING DIFFERENT RATES ARE SHIPPED AT ONE TIME IN A COMPARTMENT TRANSPORT OR TANK TRUCK, THE CHARGES SHALL BE COMPUTED ON THE BASIS OF ACTUAL GALLONAGE OF EACH COMMODITY AT ITS RESPECTIVE RATE, SUBJECT TO A MINIMUM CHARGE ON THE ENTIRE SHIPMENT BASED ON THE LOWEST RATE APPLICABLE TO ANY COMMODITY IN THE SHIPMENT AND THE MINIMUM GALLONS APPLICABLE TO THAT RATE.
- (F) SHIPMENTS MOVING UNDER RATES PROVIDED FOR IN COLUMNS A-1 AND B-1 WILL BE SUBJECT TO TWO AND ONE-HALF HOURS' COMBINED LOADING AND UNLOADING. LOADING AND UNLOADING TIME WILL BE DEEMED TO RUN FROM THE TIME A TANK TRUCK IS ACCEPTED FOR LOADING AND WILL CONTINUE UNTIL SUCH TANK TRUCK IS RELEASED FROM LOADING AND NECESSARY SHIPPING DOCUMENTS HAVE BEEN EXECUTED AND TANK TRUCK IS READY TO LEAVE LOADING PREMISES, AND FROM THE TIME IT ARRIVES AT A PLANT FOR UNLOADING UNTIL THE TIME WHEN ALL CONNECTIONS HAVE BEEN REMOVED, NECESSARY SHIPPING DOCUMENTS HAVE BEEN EXECUTED AND THE TANK TRUCK IS READY TO LEAVE THE PREMISES. IN CASE OF MULTIPLE LOADING OR UNLOADING, TIME WILL COMMENCE WITH ARRIVAL AT FIRST STOP AND END WITH DEPARTURE FROM LAST STOP. A DEMURRAGE CHARGE OF \$2.00 PER ONE-QUARTER HOUR WILL BE CHARGED FOR DETENTION OF VEHICLE IN EXCESS OF FREE TIME ABOVE-DESCRIBED, WHEN SUCH DETENTION IS NOT ASCRIBABLE TO THE MOTOR CARRIER.
- (G) COLUMN A-1 AND COLUMN B-1 RATES ARE APPLICABLE ONLY WHEN CARRIER'S FREIGHT CHARGES ARE PAID BY THE CONSIGNOR.
- (H) IN THE EVENT A LEGAL HOLIDAY OCCURS DURING THE PERIOD DESCRIBED IN PARAGRAPH (C) ABOVE, SAID DAY SHALL BE ELIMINATED FROM THE PERIOD NECESSARY TO QUALIFY. IF UNLOADING FACILITIES ARE AVAILABLE TO CARRIER DURING SAID HOLIDAY AND SHIPMENTS ARE TENDERED AND TRANSPORTED, THE RATES PROVIDED FOR IN THIS ITEM WILL APPLY.

12

ITEM
No.

RULES AND REGULATIONS

4TH REVISED PAGE No. 16-A

RATES APPLICABLE ON DELIVERIES UNDER CONTINUOUS SERVICE PROVISION:

SHIPPERS DESIRING TO AVAIL THEMSELVES OF CHARGES MADE SUBJECT TO THIS ITEM WILL BE REQUIRED TO ACCEPT THE TERMS AND CONDITIONS THERETO FOR A PERIOD OF NOT LESS THAN THIRTEEN CONSECUTIVE WEEKS AND SHALL SO ADVISE THE CARRIER IN WRITING BY SPECIFIED REFERENCE TO THIS ITEM.

THE PROVISIONS OF THIS PARAGRAPH APPLY TO TRANSPORTATION OF COMMODITIES DESCRIBED IN ITEM 10 EXCEPT AS NOTED, AND THE SERVICE TO BE PERFORMED UNDER THE PROVISIONS OF THIS PARAGRAPH SHALL BE AT THE RATE PER UNIT OF CARRIER'S EQUIPMENT SPECIFIED BELOW. PROVISIONS ALSO APPLY TO TRANSPORTATION OF LIQUID FERTILIZER, AS DESCRIBED ON PAGE 65-A, WHEN TRANSPORTED BY HOWARD J. LAFFERTY, D/B/A LAFFERTY MOVING & STORAGE.

WHEN TRANSPORTATION IS PERFORMED UNDER THIS ITEM, RATE WILL BE AS FOLLOWS:

RATES IN DOLLARS PER HOUR PLUS CENTS PER MILE PER UNIT OF EQUIPMENT.

HOURS PER WEEK	DOLLARS PER EACH HOUR	CENTS PER MILE PER EACH MILE OPERATED	
		PLAINS	MOUNTAINS
110 HOURS	\$6.00	17	19

MINIMUM CHARGE PER UNIT WILL BE ONE HUNDRED TEN HOURS PER WEEK FOR THIRTEEN WEEKS AT \$6.00 PER HOUR, PLUS SEVENTEEN CENTS PER MILE IN PLAINS TERRITORY AND NINETEEN CENTS PER MILE IN MOUNTAIN TERRITORY FOR ALL MILES OPERATED.

(SEE ITEM 30) MAXIMUM LOAD 9500 GALLONS.

CHARGE FOR EACH FULL HOUR SHALL BE IN DOLLARS AND CENTS PER HOUR AND FOR EACH MILE TRAVELED, IN CENTS PER MILE. WHEN SHIPPER AVAILS HIMSELF OF THE CHARGES IN THIS ITEM, IT SHALL BE FOR THE PERIOD 12:01 A.M., MONDAY THROUGH 11:59 P.M., SUNDAY. (SEE EXCEPTIONS) HOURS SHALL BE COMPUTED FROM THE TIME UNIT OF CARRIER'S EQUIPMENT LEAVES CARRIER'S TERMINAL, MAKES DELIVERY AND RETURNS TO CARRIER'S TERMINAL.

(R) SHOULD A HOLIDAY FALL WITHIN A WEEKLY PERIOD AS DEFINED ABOVE, THE HOURS OBSERVED AS A HOLIDAY, NOT EXCEEDING 24 HOURS, SHALL BE DEDUCTED FROM SUCH WEEKLY PERIOD. FOR PURPOSES HEREIN, A HOLIDAY IS DEFINED AS THE PERIOD OF TIME A LOADING TERMINAL OR REFINERY IS CLOSED IN OBSERVANCE OF SUCH HOLIDAY AND SHALL BE THE FOLLOWING NAMED HOLIDAYS: NEW YEAR'S DAY, WASHINGTON'S BIRTHDAY, GOOD FRIDAY, MEMORIAL DAY, JULY FOURTH, LABOR DAY, THANKSGIVING AND CHRISTMAS.

MILEAGE WILL BE COMPUTED FROM POINT OF ORIGIN TO FINAL DESTINATION VIA STOP-OFF POINT OR POINTS, IF ANY. IN THE EVENT THAT THE SHORTEST ROUTE IS NOT AVAILABLE FOR TRAVEL, MILEAGE WILL BE COMPUTED VIA THE ROUTE TRAVELED. ITEMS 50, 55, 60 AND 72, THIS TARIFF, SHALL GOVERN.

EXCEPTIONS:

(A) TIME SPENT BY DRIVER BECAUSE OF UNAVAILABILITY OF CARRIER'S EQUIPMENT SUCH AS BREAKDOWN OR CARRIER SERVICING AND/OR DRIVER'S MEALS WILL NOT BE CHARGEABLE AND WILL BE DEDUCTED FROM THE TOTAL HOURS CHARGED FOR IN A GIVEN 24-HOUR PERIOD OF TIME.

(B) FRACTION OF AN HOUR WILL BE CHARGED FOR AS FOLLOWS:

MINUTES	CHARGE FOR
1 TO 15 INCLUSIVE	15 MINUTES
16 TO 30 INCLUSIVE	30 MINUTES
31 TO 45 INCLUSIVE	45 MINUTES
46 TO 60 INCLUSIVE	60 MINUTES

CHARGES FOR A PORTION OF AN HOUR WILL BE ROUNDED OFF TO THE NEXT HIGHEST CENT.

137
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PAGE
16-B)

▲ DENOTES ADDITION
Ⓐ DENOTES INCREASE
Ⓡ DENOTES REDUCTION

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
PAM'S HOTEL SUPPLY CO.)
401 SOUTH 7TH STREET)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. M-9143

April 22, 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 April 8, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Spaulding
Donald Bullard
Ed R. Ludborg
Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
SPUDNUT SHOP)
700 MAIN STREET)
CANON CITY, COLORADO 81212)

PERMIT NO. M-9371

April 22, 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 April 17, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry S. Gailings
Howard B. Miller
Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
)
BEE and TEE ELECTRIC CO.)
2219 WEST 32ND AVENUE)
DENVER, COLORADO 80211)

PERMIT NO. M-3537

April 22, 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 April 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Gabel
Donald Bentley
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 22nd day of April 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO TRANSPORTATION COMPANY TO)
TRANSFER PUC NO. 55 AND PUC NO. 55-I)
FROM COLORADO TRANSPORTATION COMPANY,)
DOING BUSINESS AS "ROCKY MOUNTAIN)
PARKS TRANSPORTATION CO., P. O. BOX)
1228, CONTINENTAL OIL BUILDING, ROOM)
824, 1755 GLENARM PLACE, DENVER,)
COLORADO, TO ROCKY MOUNTAIN MOTOR)
COMPANY, INC., 3455 RINGSBY COURT,)
DENVER, COLORADO.)

APPLICATION NO. 23087-Transfer

IN THE MATTER OF THE APPLICATION OF)
COLORADO TRANSPORTATION COMPANY TO)
TRANSFER PUC NO. 56 AND PUC NO. 56-I)
FROM COLORADO TRANSPORTATION COMPANY,)
DOING BUSINESS AS "THE DENVER CAB)
CO.," P. O. BOX 1228, CONTINENTAL OIL)
BUILDING, ROOM 824, 1755 GLENARM)
PLACE, DENVER, COLORADO, TO ROCKY)
MOUNTAIN MOTOR COMPANY, INC., 3455)
RINGSBY COURT, DENVER, COLORADO.)

APPLICATION NO. 23088-Transfer

April 23, 1968

Appearances: David Butler, Esq., Denver,
Colorado, for Transferor;
Walter M. Simon, Esq., Denver,
Colorado, and
Harlan G. Balaban, Esq., Denver,
Colorado, for Transferee;
John R. Barry, Esq., Denver,
Colorado, for Denver-Colorado
Springs-Pueblo Motorway, Inc.;
Continental Bus System, Inc. (Rocky
Mountain Lines Division); American
Bus Lines, Inc.; Continental Central
Lines, Inc.; Transcontinental Bus
System, Inc.; Denver-Salt Lake Pacific
Stages, Inc.; and Checker Cab Company,
Inc., Protestants and Intervenors;
Philip Hornbein, Jr., Esq., Denver,
Colorado, for Amalgamated Transit
Union, Division 1001, Intervenors;
George T. Ashen, Esq., Denver,
Colorado, for International Brother-
hood of Teamsters, Chauffeurs,
Warehousemen and Helpers of America,
Local Union No. 775, Intervenors.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 11, 1968, the above-entitled applications were filed requesting authority to transfer Certificates PUC Nos. 55, PUC No. 55-I, PUC NO. 56 and PUC No. 56-I.

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 -- at the hearing -- the herein applications were initially protested by the carriers as indicated in the Appearance section of this Decision; however, said protesting carriers subsequently withdrew their protests on the grounds as specifically set forth in Finding No. 10 of the Examiner's Findings of Fact which are hereinafter fully set forth below.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

A motion was made by Applicants to consolidate for hearing Application No. 23087-Transfer with Application No. 23088-Transfer on the basis that the same parties and issues were involved in both proceedings. The motion was granted.

The Petitions to Intervene filed by Amalgamated Transit Union, Division 1001 and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union No. 775, were denied."

All motions granted or denied by the Examiner are hereby confirmed by the Commission. In addition hereto, the denial by the Examiner of the Petition to Intervene filed respectively by the Amalgamated Transit Union, Division 1001, and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union No. 775, is also 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 is the present owner and operator of PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I, which are the subjects of this proceeding.
2. These authorities have been continually operated in the past and are presently in good standing with the Commission.
3. Transferee is a Colorado Corporation duly authorized to do business in the State of Colorado and holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authorities and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
5. The Certificates are 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 authorities sought herein.
7. Transferee 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.
8. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
9. There is considerable overlapping and duplication of authority contained in the two Certificates which are the subject of this proceeding along with ambiguous wording which gives rise to difficult, if not impossible, interpretation of the authorities. In view thereof, the Transferee should be ordered to file with the Commission an application to consolidate and clarify the Certificates (PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I) within ninety (90) days from the effective date of the Order approving the transfers.
10. In view of Finding of Fact No. 8 of Consolidation and Clarification and in the event such is made a part of this Order of Transfer, Protestants Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), American Bus Lines, Inc., Continental Central Lines, Inc., Transcontinental Bus System, Inc., Denver-Salt Lake Pacific Stages, Inc., and Checker Cab Company, Inc. make no protest to this Transfer proceeding.
11. The transfer is compatible with the public interest and should be granted.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order as follows:

1. Authorizing Transferor, Colorado Transportation Company, to transfer all of its right, title and interest in and to PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I to Rocky Mountain Motor Company, Inc.
2. That further, the Transferee, Rocky Mountain Motor Company, Inc., shall, within ninety (90) days from the effective date of the Order approving the transfer, file with the Commission an application seeking consolidation and clarification of Certificates of Authority PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I.

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 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 Colorado Transportation Company, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates PUC No. 55 and PUC No. 55-I from Colorado Transportation Company, doing business as "Rocky Mountain Parks Transportation Company," Denver, Colorado, to Rocky Mountain Motor Company, Inc., Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That Colorado Transportation Company, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates PUC No. 56 and PUC No. 56-I from Colorado Transportation Company, doing business as "The Denver Cab Co.," Denver, Colorado, to Rocky Mountain Motor Company, Inc., Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That the herein transferee, Rocky Mountain Motor Company, Inc., is hereby directed and ordered, within ninety (90) days from the effective date of this Order, to file an application with the Commission seeking the

consolidation and clarification of the operating authorities as contained under Certificates PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I.

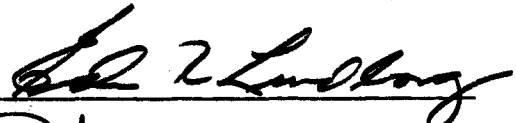
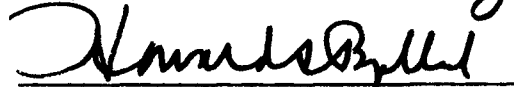
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

That 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.

That 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 certificates up to the time of transfer of said certificates.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO DISSENTING

Dated at Denver, Colorado,
this 23rd day of April, 1968
et

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

The Petitions to Intervene filed by the Amalgamated Transit Union, Division 1001, and the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local Union No. 775, should be granted. The Petitioners should not be precluded from presenting any evidence they may have to protect their alleged contractual rights and the rights of the employees of the Colorado Transportation Company, doing business as "Rocky Mountain Parks Transportation Co. or Rocky Mountain Motor Co.," and the Colorado Transportation Company, doing business as "The Denver Cab Co.," which might be lost, or prejudiced, by an Order of the transfer herein. At the present stage in the proceeding the Commission is unaware of what impact, if any, a transfer will have on such rights and in what manner the public interest will be affected.


Chairman

Dated at Denver, Colorado,
this 23rd day of April, 1968

et

(Decision No. 71216)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HARDIE W. JAMIESON, DOING BUSINESS)
AS "JAMIESON TRUCKING CO.," P. O.)
BOX 995, CRAIG, COLORADO, UNDER)
PERMIT NO. B-225.)

CASE NO. 5363
SUPPLEMENTAL ORDER

April 22, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 5, 1968, the Commission entered Decision No. 70981, Notice of Hearing and Order to Show Cause in the above-entitled matter, which, among other things, set the herein matter for hearing on April 25 and 26, 1968, at 10:00 A.M., at Denver, Colorado.

The Commission is in receipt of a communication from Warren F. Reams, Attorney for the Respondent herein, requesting that the hearing presently set for April 25 and 26, 1968, be continued and reset for hearing at a later date to be determined by the Commission.

The Commission states and finds that the hearing on the above-styled matter presently set for April 25 and 26, 1968, as specified by Decision No. 70981, should be vacated and that said hearing be reset as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That hearing on the above-styled matter presently set for April 25 and 26, 1968, at Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, reset for hearing as follows, to-wit:

Date: May 9, 1968

Time: 10:00 o'clock A.M.

Place: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that said matter be, and the same hereby is, set for continued hearing as follows, to-wit:

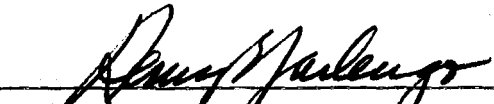
Date: May 21, 1968


Time: 10:30 o'clock A.M.

Place: Division 2 Courtroom
District Court
Courthouse Annex
Grand Junction, Colorado

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 22nd day of April, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF COUNTY OF BOULDER FOR AUTHORITY)	
TO OPEN A NEW GRADE CROSSING, AND	)	<u>APPLICATION NO. 23035</u>
INSTALL GRADE CROSSING PROTECTION)	
DEVICES AT 55TH STREET, BOULDER)	
COUNTY, AND MILEPOST 26.38 OF THE)	
COLORADO AND SOUTHERN RAILWAY COMPANY.)	

April 23, 1968

Appearances: William L. Paddock, Esq., Boulder, Colorado, for County of Boulder, Applicant;
W. L. Peck, Esq., Denver, Colorado, for The Colorado and Southern Railway Company;
Donald D. Cawelti, Esq., Denver, Colorado, for Public Service Company of Colorado, pro se;
J. L. McNeill, Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

The above-entitled application was filed with the Commission on February 9, 1968. Subsequently said application was heard before the Commission on April 2, 1968, at the Commission Hearing Room, 505 Columbine Building, Denver, Colorado.

After proper notice to all interested persons, firms or corporations, and to owners of adjacent property, the matter was heard as scheduled and thereafter was taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for the proposed establishment of a public crossing to replace an existing private crossing at Mile Post 26.38 over the single main line track of the Colorado and Southern Railway Company (C & S Railway). The new crossing work will permit improvement of 55th Street, also known as Valley View Road, which is an integral part of the Boulder County Road system. Involved

also is the necessity to provide adequate grade crossing protection for benefit of the general public. Accordingly, therefore, a request was submitted by Boulder County for financial assistance in accordance with the provisions of 1963 CRS 115-4-6 (2) (b) which pertains to the Commission Highway Crossing Protection Fund of 1965.

At the hearing, Peter Swaving, Assistant County Engineer for Boulder County, identified Exhibit No. 1 as a portion of the Official Map of Boulder County. Shown on the map are two grade crossings over the C & S Railway designated as follows:

In Red - Proposed crossing 55th Street - (RR M.P. 26.38)

In Green - Proposed Private crossing County Road - (RR M.P. 25.38)

Mr. Swaving explained that 55th Street has been gradually developing northward from Arapahoe Road (S.H. #7) which is a principal east-west traffic artery serving Boulder, Colorado. Extending southward for a mile from the Arapahoe Road, 55th Street is locally known as Valley View Road and makes a connection with the Baseline Road. By using other connecting County roads, a motorist may continue south for an additional mile to the Boulder-Denver Toll Road.

In the northward extension of 55th Street over the rail line, Mr. Swaving explained that planning included further improvements for some 3½ miles along the Valley View route, crossing Valmont Road and to connect with Colorado Highway No. 119 - the diagonal highway serving Longmont and the IBM plant at Niwot. Right of way for 55th Street at the rail crossing will be 60 feet in width, the roadway paving will be 24 feet wide having a shoulder 8 feet wide at each side.

Mr. Swaving explained that no traffic count was taken at the present private crossing; however, there has been development of new industries in the area northward from the rail line and the narrow one-way private crossing is no longer safe or adequate for the increased use. The land area around the crossing is fairly flat permitting open view of approaching trains. The local road and proposed 55th Street improvement is

not a part of any Federal aid system. Negotiations between Boulder County and C & S Railway resulted in the Agreement, dated January 31, 1968, as attached to the instant application, which provides for wider roadway right of way with new crossing construction and signals at the rail line. Included with the aforesaid Agreement was a Map (Exhibit "A") of the C & S Railway to show the details of the new construction and the proposed grade crossing changes at M.P. 25.38 and M.P. 26.38.

With further reference to Exhibit "A", it was shown that there is now a public crossing at M.P. 25.38 which is primarily used to provide access to the Valmont Power House of the Public Service Company of Colorado. In conjunction with the contract negotiations for the improvements at 55th Street (M.P. 26.38), there was also the consideration that the public crossing at M.P. 25.38 should be converted into a private crossing as noted on the map print.

Additional testimony in support of the new crossing work was given by Mitchell M. Simmons, General Manager of Flat Iron Sand and Gravel Company, the record owner of land adjacent to the crossing. Mr. Simmons explained that the private crossing at M.P. 26.38, as established for access to Gravel Company property, was, in effect, a public crossing because local traffic, amounting to some 2,000 vehicles per day, had developed a local short-cut route through the area by going to and from the IBM plant some 3½ miles to the north.

Mr. Simmons described the gradual growth that has come to the local area through the location of numerous new industries and industrial park promotion. He concurred with the planning of the Boulder County Commissioners for immediate development of the Valley View Road. He further stated that the proposed crossing improvement becomes an important factor for the complete roadway project; and that his firm would have no objection to the release of its private rail crossing agreement in favor of the new public roadway.

Mr. Simmons further testified that the Colorado Department of

Highways was also doing planning work in the area for a possible north-south access route along 47th Street, or some 3/4 mile farther west. The new road would be in the nature of a by-pass route to help relieve the traffic congestion on 28th Street in Boulder which was first constructed as a by-pass but is now a service route for motels and shopping areas. No data on the status of the Department study or possible start of construction has been available.

E. A. Graham, Chief Engineer, The Colorado & Southern Railway Company, Denver, Colorado, verified the testimony of Mr. Swaving by stating that the Boulder County Commissioners had completed and signed their Agreement with the C & S Railway on January 31, 1968; and that a copy of the fully executed Agreement was attached as a part of the instant application.

Mr. Graham stated that the rail traffic consists of three freight train movements daily over the crossing; that there is no passenger train service on the line; and that occasionally extra freight trains are operated during the sugar beet season for a total of five to six movements daily. He further stated that the present crossing is quite narrow and not suitable for the increasing and public type of traffic; that the C & S Railway does not object to establishment of the public grade crossing; that the location is on a north-south section line where there are already crossings by utility lines of gas, telephone and power companies; and that the flashing lights as proposed are needed for future crossing use.

Relative to the instant agreement, Mr. Graham testified that provisions are included for the establishment of the public grade crossing at Mile Post 26.38; that all work and expenses for the roadway construction, drainage, paving and maintenance shall be at Boulder County expense; that other work on the railroad right of way for steel culvert installation, bridge removal, protection flagging and grade crossing construction shall also be at County expense. Installation and materials for the protection devices shall be provided by the C & S Railway at an estimated cost of \$11,000. Mr. Graham suggested that the expense for protection devices

be divided among the interested parties on the following basis:

10% - C & S Railway; 10% - Boulder County and 80% - Crossing Protection Fund.

Mr. Graham explained that, in view of present County planning, it would be desirable to go ahead with the new crossing work at M.P. 26.38; and that the need and status of the easterly crossing at M.P. 25.38 would become more clearly established as the Valley View routing is developed.

D. L. Zeller, Assistant Superintendent of Signals and Communications, at Denver for C & S Railway, gave explanatory testimony regarding proposed protection. With reference to Exhibit B, included as a part of the instant Agreement, he stated that the proposed devices are short-mast type having four back-to-back flasher signals on a single mast - one mast will include a bell; that a mast unit will be placed on the shoulder of the roadway at each side of the rail line. Also, since the new road is planned for only two lanes of travel, the standard curb-side mast installation would be adequate; and that this is in comparison to a four-lane roadway where a cantilever installation would be considered.

Mr. Zeller further stated that there is only one track involved and that the signals will provide warning for trains moving in either direction. Based on an operating speed of 50 miles per hour for this location, wiring circuits will be designed to provide at least 20 seconds of signal warning time before movement of a train over the crossing. Relative to industrial development in the area, Mr. Zeller stated that no new tracks over the crossing are indicated at this time; and that switching operations to serve present industries will not offer any crossing interference or unnecessary signal operation.

In view of the vehicular traffic now using the narrow private crossing, Mr. Zeller explained that Railroad work would go ahead at once for the widening of the roadway crossing; that temporary crossbuck signing would be installed pending arrival and installation of the crossing signals; and that due to current material shortages and prior schedules for other crossing installations, the instant installation may not be completed for

nine months. In this regard, Commission consideration was suggested for the temporary installation of "Red STOP" signs as an added measure for motorist control and protection.

Mr. Cawelti, as counsel for Public Service Company, explained that Public Service has made plans for an improved service facility to be located near its Valmont Power House because the present downtown area is not adequate for material storage, maintenance of service trucks and construction equipment. He stated that the public crossing at Mile Post 25.38 is to be utilized for access to the new plant; that private crossing is not desirable; and that it is essential to retain the public status of the crossing at Mile Post 25.38 pending the development of possible new access routes from the Valley View roadway.

At the hearing, Answer of the C & S Railway was received to show its agreement to the granting of the application according to provisions of 1963 CRS 115-4-6 (2) (b); that it has completed contract negotiations with the County of Boulder for the installation of the protection devices at the crossing; and that the proposed crossing opening and improvement is necessary for the public safety and convenience.

F I N D I N G S

THE COMMISSION FINDS:

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

That approval should be granted for the proposed establishment, construction, operation, and maintenance of a new public grade crossing to replace the existing private crossing at Colorado & Southern Mile Post 26.38 near Boulder, Colorado.

That public safety, convenience, and necessity require the installation of automatic railroad flasher light signals and bell at the proposed new grade crossing of 55th Street, near the City of Boulder, Colorado, over the main line of The Colorado and Southern Railway Company at its Mile Post 26.38.

That the circumstances surrounding use of the crossing, present and future, are such as to justify payment for the installation of highway-railroad crossing protection devices as provided in CRS 1963 115-4-6 (2) (b).

That the cost of the new crossing construction shall be paid by Boulder County.

That the authority sought in the instant application should be granted.

That no part of the cost of the installation of railroad flasher light signals and bell at the crossing will be paid from funds available under any Federal or Federal Aid Highway Act.

O R D E R

THE COMMISSION ORDERS:

That Applicant, County of Boulder, State of Colorado, be, and hereby is, granted a certificate of public convenience and necessity to authorize and approve the establishment, construction, operation and maintenance of a new public grade crossing on 55th Street to replace an existing private crossing at The Colorado and Southern Railway Company Railroad Mile Post 26.38 near Boulder, Colorado.

That protection of the new crossing shall consist of:

- (1) Standard Advance Warning Signs to be placed by Boulder County on 55th Street at the crossing approaches.
- (2) Standard railroad flasher signals and a bell to be installed by C & S Railway at the crossing.
- (3) Pending completion of the installation of automatic signals, temporary protection at the crossing shall consist of (a) Two standard reflectorized crossbuck signs to be placed by C & S Railway and (b) Two reflectorized "Red STOP" signs to be placed by Boulder County.

That the separate work of roadway and crossing construction shall all be done at the expense of Boulder County as set forth in the agreement between the Railway Company and County of Boulder as indicated in the preceding Statement, which Statement, the said Agreement and related Exhibits are all by reference made a part hereof.

That it is fair, just and equitable that the County of Boulder shall pay ten percent (10%) of the cost of the installation of proposed automatic railroad flasher signals and bell to cover its share of benefits received from such installation, and upon completion of the proposed work, an itemized statement of the actual costs, and a bill covering said ten percent (10%) therefor shall be forwarded by the Railway Company to the County of Boulder, which bill shall be paid by the County to the Railway Company within thirty (30) days of receipt thereof.

That the Railway Company shall contribute out of its own funds ten percent (10%) of the cost of said installation and shall thereafter maintain said installation as its share of the benefits.


That the remainder, or eighty percent (80%) of the cost of said protection installation shall be contributed out of the Highway Crossing Protection Fund, and upon completion of the proposed work, itemized statement of the actual costs, and a bill covering said eighty percent (80%) thereof shall be forwarded by the Railway Company to the Public Utilities Commission, which bill shall be paid within thirty (30) days after receipt thereof.


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


That the Commission hereby retains jurisdiction to make such further order, or orders, as may be required in the instant matter.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANK R. GIVIGLIANO, 301 WILLOW)	
STREET, TRINIDAD, COLORADO, FOR A)	<u>APPLICATION NO. 23073-Extension</u>
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTENSION)	
OF OPERATIONS UNDER PUC NO. 1401.)	

April 23, 1968

Appearances: Joseph F. Nigro, Esq., Denver,
Colorado, for Applicant;
David E. Driggers, Esq., Denver,
Colorado, for Westway Motor
Freight, Inc., and Goldstein
Transportation & Storage, Inc.,
Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 28, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate PUC No. 1401 in the precise manner as fully 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 of the instant proceeding together with a written statement of his Conclusions.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion by Applicant and agreed to by Protestants requesting that this hearing date be vacated and the matter reset, was granted."

The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

Specifically, the submitted Examiner's Conclusions read as follows, to-wit:

"EXAMINER CONCLUSIONS

That the Commission make and enter its Order to continue and re-set for hearing Application No. 23073-Extension in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, on May 27, 1968 at 2:00 o'clock P.M."



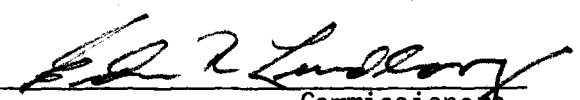
The Commission has given careful consideration to the record in the above-entitled proceeding and to the Conclusions submitted by the Examiner. Now, therefore, pursuant to the provisions of 1963 CRS 115-6-9 (2), the Commission specifically adopts the submitted Conclusions of the Examiner, as hereinabove set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23073-Extension, be, and hereby is, vacated and re-set for hearing on May 27, 1968, at 2 p.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, with notice only to Applicant and the parties who entered their appearance as above set forth.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 23rd day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-BOULDER BUS COMPANY, 824)
CONTINENTAL OIL BUILDING, DENVER,)
COLORADO, FOR THE ABANDONMENT OF)
SCHEDULED OPERATIONS UNDER THAT)
PORTION OF PUC NO. 43 AND PUC NO.)
43-I WHICH AUTHORIZES SERVICE BETWEEN)
BOULDER AND DENVER AND INTERMEDIATE)
POINTS (A) VIA SOUTH BOULDER ROAD)
FROM BOULDER TO U. S. HIGHWAY 287)
(B) VIA LOUISVILLE AND THE HIGHWAYS)
CONNECTING LOUISVILLE TO SOUTH)
BOULDER ROAD, AND U. S. HIGHWAY 287)
AND (C) VIA U. S. HIGHWAY 287)
BETWEEN LAFAYETTE AND THE INTER-)
SECTION OF SAID HIGHWAY WITH THE)
DENVER-BOULDER TURNPIKE.)

APPLICATION NO. 22969-Abandonment

April 24, 1968

Appearances: David C. Butler, Esq., Denver,
Colorado, for Applicant;
Paul A. Morris, Esq., Boulder,
Colorado, for the City of
Louisville, Colorado,
Protestant;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

S T A T E M E N T

BY THE COMMISSION:

On December 6, 1967, Denver-Boulder Bus Company (Applicant) filed an application with the Commission, under Rule No. 10 (a) of the Commission's Rules and Regulations Governing Common Carriers, to discontinue or abandon certain scheduled bus operations under that part of PUC No. 43 and PUC No. 43-I which basically authorizes scheduled bus service between Boulder and Denver and Intermediate Points (A) via South Boulder Road and Boulder to U. S. Highway 287 (B) via Louisville and the highways connecting Louisville to South Boulder Road and U. S. Highway 287 and (C) via U. S. Highway 287 between Lafayette and the intersection of said highway with the Denver Boulder Turnpike.

After due and proper notice to all interested persons, firms or corporations, the herein application was set for hearing and was heard by Commissioner Edwin R. Lundborg at the time and place as set forth in the Notice of Hearing.

Preliminary hereto, it should be noted that, if the herein application is granted, it would result in the following abandonment of all bus service:

- (1) Schedule No. 2, which leaves Boulder at 6:25 a.m. daily, except for Sundays and Holidays and passes through South Boulder Junction, Paragon Estates, Louisville and Lafayette.
- (2) Schedule No. 1, which leaves Lafayette at 6:53 a.m. daily, except Sundays and Holidays, which is the return route of the aforementioned Schedule No. 2.
- (3) Schedule No. 10, which leaves Boulder daily at 3:45 p.m., except for Sundays and Holidays. The route for this schedule passes from Boulder through Louisville, Lafayette and Broomfield and then follows Highway No. 287 from Broomfield to Denver.
- (4) Schedule No. 7, which leaves Denver at 5:20 p.m. daily, except Sundays and Holidays. The route followed by this schedule is from Applicant's depot in Denver to the Denver-Boulder Turnpike, thence on the turnpike to the Broomfield interchange where it leaves the turnpike and then follows U. S. Highway No. 287 to Rickards Corner, then on State Highway No. 42 to Louisville, then from Louisville to Boulder.

D. B. James, President of Applicant Company, appeared and testified on behalf of the Applicant as its only witness. Applicant's evidence disclosed that the routes as herein sought to be abandoned were the primary routes prior to the completion of the Denver-Boulder Turnpike; that, following the completion of the Denver-Boulder Turnpike, an application was filed by Applicant with the Commission and appropriate authority was subsequently granted to it to operate over said Turnpike; that the transit time between Boulder and Denver is 45 minutes over the Turnpike vs. one hour and 15 minutes over the other route; that the distance via the Turnpike is 27 miles vs. 34 miles on the other route; that Applicant operates schedules over all of its authorized routes; that patronage on the schedules operating on the Turnpike is much greater than that on the other routes; that at one time many people residing in Louisville worked in Boulder, and that, as a conse-

quence thereof, they would ride a bus to and from work but that lately very few travel by bus between these points.

Witness James sponsored Applicant's Exhibits No. 1 through No. 7 which were received into evidence.

Exhibit No. 1 was a map depicting the routes involved in this application. It also showed the route of Colorado Motorway, another bus company, which serves Lafayette, Broomfield and Kozy Corner. Testimony disclosed that Witness James, in addition to being President of Applicant Company, was also Vice President of Colorado Motorway; that he was generally familiar with that company's operations; and that Colorado Motorway operates seven schedules per day each way through Lafayette but renders no service to Louisville or between Lafayette and Boulder.

Exhibit No. 2 was similar to Exhibit No. 1. By colored lines thereon, other schedules of the Applicant between Boulder and Denver were shown.

Exhibit No. 3 set forth the number of passengers carried by Applicant on its schedules via Louisville and Lafayette for selected months for the years 1966 and 1967, and the revenues and operating expenses for the same schedules for the period of time from April, 1966 through March, 1967. Said exhibit also showed a loss of \$1,171.97 during this period of time for Schedule No. 10; a loss of \$81.49 on Schedule No. 7; a loss of \$1,350.69 on Schedule No. 2; and a further loss of \$1,089.82 on Schedule No. 1.

Exhibit No. 4 was similar to Exhibit No. 3 except that it covered the month of January, 1968. It showed a loss on the above numbered schedules of \$383.81 for the month.

It was pointed out, with regard to this Exhibit, that on Schedule No. 2, operating from Boulder to Lafayette, one person boarded the bus at Boulder, 30 boarded at Louisville, and that all 31 subsequently got off at Lafayette for the entire month of January, 1968. On return Schedule No. 1, from Lafayette to Boulder, 23 people boarded at Lafayette, 23 boarded at Louisville, and that all 46 subsequently got off at Boulder. For 26 days of operation, an average of 1.19 persons rode Schedule No. 2 and 1.76 persons rode Schedule No. 1. These figures would indicate an overall average of 2.95 persons per day.

Schedule No. 7, operating from Denver to Boulder, carried an average of 18.57 persons per day during the same period of time (January, 1968); however, the through passengers to Boulder averaged 4.46 persons per day. It was disclosed Applicant has attempted to adjust the herein schedules to the time of day that would produce the greatest patronage; and that persons desiring to go to Boulder from points north of Longmont would be able to use Colorado Motorway Schedules to Longmont and the Boulder Yellow Cab Schedule from Longmont to Boulder.

Exhibit No. 5 disclosed Applicant's schedule between Denver and Boulder. It was pointed out that approximately 15 round trips per day are operated between these points.

Exhibit No. 6 disclosed Colorado Motorway scheduled service between Denver, Broomfield, Lafayette, Longmont, Loveland, Fort Collins and Laramie. It was pointed out that seven schedules per day are run through Lafayette.

Exhibit No. 7 listed the fares applicable between Denver, Boulder, Lafayette, Louisville and Broomfield.

Cross examination of Mr. James developed the fact that, with the exception of the service of the Applicant, no other public (regulated) transportation company renders service to the City of Louisville; that, even if the Commission approved the herein application, the Applicant would not save the dollar amounts for Station expense as shown in Exhibit No. 4; and that, in addition to the aforesaid loss of service at Louisville, there would be no direct service between Lafayette and Boulder, if the instant application was granted.

Testimony by the Mayor of Louisville disclosed that 2,200 was the approximate population of Louisville; that said city has a large number of elderly people, including many old-age pensioners, who do not own automobiles; that the City Council of Louisville had taken a firm position against the proposed abandonment because, if granted, there would be no other means of public transportation service available to the City; and that the City Council had authorized the circulation of protesting petitions to the

Citizens of the City. With regard to said petitions, it is noted that they were marked as Exhibit No. 8 and were identified by the Mayor.

H. Warren Miklaur, City Manager of Lafayette, also appeared and testified in protest thereto. Received into evidence as Staff Exhibit A was a letter prepared by this witness, upon instructions from the City Council of Lafayette, setting forth the Council's position of opposition to the proposed abandonment. Cross examination of Mr. Miklaur disclosed that Lafayette is presently served by the Applicant, Continental Trailways and the Colorado Motorway.

Mr. Lawrence Abdoo, Associate Rate Expert of the Public Utilities Commission, was called as a Staff Witness and sponsored Staff Exhibit B which was received into evidence. This exhibit set forth the Statement of Revenues and Expenses for the Applicant, the Colorado Motorway and the Colorado Transportation d/b/a Rocky Mountain Motor Company for the years of 1964, 1965 and 1966. Pointed out were the operating ratios for the aforesaid three companies for the years 1964, 1965 and 1966 which, from the standpoint of Applicant, disclosed a ratio of 93.5 percent for 1966, 92.4 percent for 1965, and 90.1 percent for 1964. Comparison of Applicant's ratios with the operating ratios of the other two companies disclosed that Applicant's ratios were better when compared to the overall average of the combined ratios. As set forth on Exhibit B, it was shown that Applicant was carrying approximately three times the number of passengers as the other two companies were carrying; and that the load factor of Applicant was better than the other two carriers. Cross examination of Mr. Abdoo developed the fact that the operating ratio of Applicant has increased each year for the three-year period involved.

Also appearing for the Staff of the Commission was Lloyd C. Espinosa, Supervising Transportation Representative, for the Public Utilities Commission. He sponsored (1) the Letter of Authority Sheet of Boulder Yellow Cab Inc., under Certificate PUC No. 301, which was marked as Staff Exhibit C; (2) the Letter of Authority Sheet of the Applicant, under Certificate PUC No. 43 and PUC No. 43-I, which was marked as Staff Exhibit D; and (3) Staff Exhibit E

which was a copy of a map showing the present routes of the Applicant in red color and the routes sought to be abandoned in green color. When offered, said exhibits were received into evidence.

During the course of the hearing, official notice was taken of Commission Decision Nos. 27438 and 37497, and of the operating authority of Colorado Motorway, Inc., under Certificate PUC No. 5.

DISCUSSION

In considering the herein matter, the Commission is bound to weigh the apparent consequences of granting the proposed abandonment as against the apparent consequences of denying the same and thus depriving service to the points sought to be abandoned. If the abandonment is authorized, the citizens of Louisville will be deprived of any and all means of public transportation service. The citizens of Lafayette desiring to travel to Louisville will have no available means of public transportation service, and, in addition, the citizens desiring to travel from Lafayette to Boulder will be required to go all the way into Denver and then travel back to Boulder. On the other hand, if the proposed abandonment is denied, the Applicant will be able to save an out-of-pocket loss of only approximately \$3,690.00 which it has sustained in providing the service as sought to be abandoned from April, 1966 through March, 1967.

In view of the above, therefore, it can readily be seen that the question before the Commission in this proceeding is: On the record as made, should the Applicant, being a public utility, operating pursuant to a Certificate of Public Convenience and Necessity, be permitted to abandon portions of its certificated operating authority which do not produce sufficient revenues to meet actual out-of-pocket expenses for such operation, if the Applicant's overall financial condition is healthy and its overall operating ratio is adequate and reasonable? The answer to the question is in the negative.

In the instant case, on the basis of the record as made, the Applicant appears to be in a sound financial condition. It had net operating

revenues in excess of \$37,000.00 for the year 1966 and an overall operating ratio of 93.5% for the same year. Exhibit No. 3 indicated a loss of \$3,693.96 on the involved schedules for a 12-month period. Testimony elicited from Mr. James revealed that the Station expenses, as reflected on said Exhibit No. 3, would not be saved, if the proposed abandonment was authorized. Station expenses for the period amounted to \$562.93. Deducting that amount, from the above figure of \$3,693.96, would leave a balance of \$3,131.03 which is the actual out-of-pocket loss. Based upon the assumption that the loss for the 12-month period of January through December, 1966 would have been approximately the same, the proposed abandonment -- coupled with the attendant savings -- would make a difference in Applicant's operating ratio of only approximately one-half of one percent.

F I N D I N G S

THE COMMISSION FINDS:

From the above and foregoing Statement, which by reference is made a part hereof, the Commission, after due and careful consideration of the entire record in this proceeding, is of the opinion, and finds:

1. That the public convenience and necessity requires the Applicant to operate, maintain, and continue the scheduled service operation as herein sought to be abandoned.
2. That the Application, if granted, would deprive the Citizens of the City of Louisville of any and all means of public transportation and, in addition thereto, the Citizens of Lafayette would also be deprived of a public transportation service between Lafayette and Louisville and direct service from Lafayette to Boulder -- all of which would be contrary to the public interest.
3. That the inconvenience that would be imposed upon the Citizens of Louisville and Lafayette, if the proposed abandonment were to be granted, completely outweighs the benefit that would be gained by the Applicant.

4. That the public interest would be benefited by denying the instant application because the economies to be derived herein are not consistent with public convenience and necessity requirements.

5. That Applicant's system operations are healthy and prosperous, and no claim was made that the immediate abandonment was necessary in order to enable the Applicant to earn a reasonable return on its investment.

6. That the needs of the people in the area as herein involved and the overall good financial position of the Applicant, on a system-wide basis, dictates that a continuance of the schedules, as proposed to be abandoned, will not prove to be confiscatory.

7. That the overall operating ratio of the Applicant is reasonably adequate and satisfactory.

8. That the dollar loss sustained in maintaining the portions of the authority sought to be abandoned is not of a sufficient amount so as to be detrimental to the overall system operation of the Applicant.

9. That the Applicant is entitled to earn only a fair return on its system-wide operation which, from the record as made, it is apparently earning.

10. That public convenience and necessity and the public interest does not require the abandonment of the operations as herein sought.

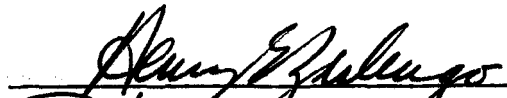
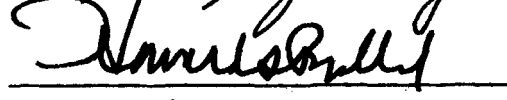
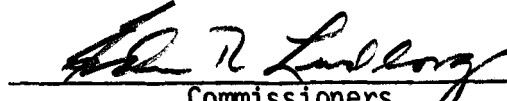
O R D E R

THE COMMISSION ORDERS:

That Application No. 22969-Abandonment, be, and hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SKYCHOPPERS, INC., DURANGO, COLO-)
RADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHOR-)
IZING OPERATION AS A COMMON CARRIER)
BY HELICOPTER.)

APPLICATION NO. 22965

April 24, 1968

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicant;
James E. Horigan, Esq., Denver,
Colorado, for Pease-Hamilton
Helicopters, Inc., Protestant;
Ray M. Wilson, Denver, Colorado,
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 5, 1967, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common carrier by helicopter 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 -- at the hearing -- the herein application was protested by Pease-Hamilton Helicopters, Inc.

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 authorized to do business in the State of Colorado and presently holds no authority from this Commission.
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 limited to a base of operations in LaPlata County, Colorado.
3. Protestant is the holder of a Certificate of Public Convenience and Necessity granting to it authority to operate as a common carrier for the 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 at Stapleton International Airport, Denver, Colorado, and The Arapahoe County Airport, Arapahoe County, Colorado, and points or airports within a ten-mile radius of said cities or airports.
4. Applicant has sufficient equipment, hangar and maintenance facilities, experience and net worth, 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, Applicants have or will make adequate provision for insurance.
6. 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.
7. Durango and the surrounding area of LaPlata County sets off to itself as far as being served from the Denver or Eastern Slope area and is therefore served more from New Mexico and Utah and therefore if Durango and the surrounding area of LaPlata County is to enjoy intrastate authority at all, it is imperative that it have a local service as applied for herein.
8. Protestant Pease-Hamilton Helicopters, Inc. has no facilities in LaPlata County, stations no equipment there, and does not serve customers in and out of LaPlata County.
9. The present or future public convenience and necessity requires or will require the proposed authority.
10. There is a present and special need for the proposed service and the granting of the authority as hereinafter set forth will be in the public interest.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order granting to Skychoppers, Inc., a Certificate of Public Convenience and Necessity to operate as a common carrier by rotary wing aircraft with authority as follows:

"Transportation -- on call and demand -- of
Persons and property by helicopter
Between all points in the State of Colorado.

RESTRICTION:

Restricted to a base of operations and an office for the solicitation of business in LaPlata County, Colorado."

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, 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 herein above set forth, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Skychoppers, Inc., Durango, Colorado, be, and hereby is, authorized to operate as a common carrier by rotary-wing aircraft (helicopter) on call and demand for the following:

Transportation -- on call and demand by helicopter -- of
Persons and property
Between all points in the State of Colorado.

RESTRICTION:

- (1) To a base of operations at LaPlata County, State of Colorado.
- (2) No office or branch shall be established for the purpose of soliciting or developing business at any point other than LaPlata County, State of Colorado.
- (3) The holder hereof, when transporting passengers between points served by air carriers operating on schedule over fixed routes, shall charge per passenger rates which shall be at least one hundred twenty percent (120%) of the per passenger effective rates of said fixed route air carriers operating on schedule between said points,

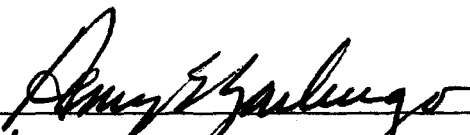
and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

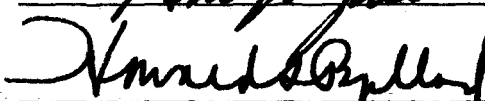
That Applicant shall file tariffs, rate schedules, and rules and regulations with, and to be approved by the Commission, within twenty (20) days from the date hereof in compliance with the provisions of the authority as granted in this Order.

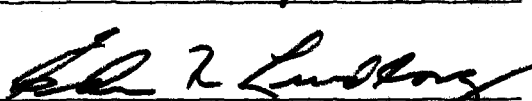
The Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

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~~ 24th day of April, 1968.
ls

(Decision No. 71221)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MARIE E. SENSENEY, DOING BUSINESS AS)
"ARNOLD TRANSFER," 318 EAST RAILROAD)
AVENUE, FORT MORGAN, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 563)
TO ARNOLD TRANSFER AND STORAGE, INC.,)
A COLORADO CORPORATION, 318 EAST)
RAILROAD AVENUE, FORT MORGAN,)
COLORADO.)

APPLICATION NO. 23007-Transfer
SUPPLEMENTAL ORDER

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 7, 1968, the Commission entered Decision No. 70986 in the above-entitled application authorizing Marie E. Senseney, doing business as "Arnold Transfer" to transfer PUC No. 563 to Arnold Transfer and Storage, Inc., a Colorado corporation.

On March 29, 1968, the Commission received a Petition for Authority to Encumber Operating Rights pursuant to said Decision No. 70986, to Marie E. Senseney in accordance with the terms and conditions set forth in a certain Security Agreement and Financing Statement dated March 27, 1968, and properly filed with the Commission, as executed by and between said Arnold Transfer and Storage, Inc. and Marie E. Senseney, in accordance with the provisions of the Uniform Commercial Code.

The Commission states and finds that the authority as 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:

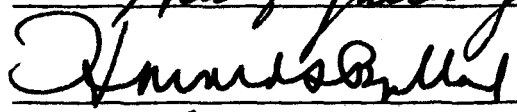
That Debtor, Arnold Transfer and Storage, Inc., be, and hereby is, authorized to encumber all its right, title and interest in and to

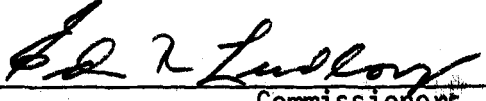
PUC No. 563, authorized by Decision No. 70986, dated March 7, 1968, to Secured Party, Marie E. Senseney, to secure payment of the indebtedness as set forth in the certain Security Agreement and Financing Statement dated March 27, 1968, which is made a part of this Order by reference.

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 24th day of April, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
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, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO G. GRANT SIMS,)
ELMER L. SIMS, AND M. K. SIMS (GEORGE)
MILTON SIMS, ELMER L. SIMS, AND BEVERLY)
SIMS CANDLAND, EXECUTORS), DOING BUSINESS)
AS "SALT LAKE TRANSFER COMPANY," 35)
SOUTH 5TH WEST, SALT LAKE CITY, UTAH.)

PUC NO. 1023-I-Transfer

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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, heretofore 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 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. 1023-I to G. Grant Sims, Elmer L. Sims, and M. K. Sims (George Milton Sims, Elmer L. Sims, and Beverly Sims Candland, Executors), 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.


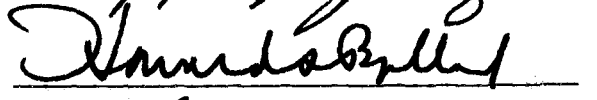
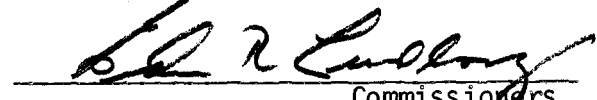
O R D E R

THE COMMISSION ORDERS:

That 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, 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 G. Grant Sims, Elmer L. Sims, and M. K. Sims (George Milton Sims, Elmer L. Sims, and Beverly Sims Candland, Executors), 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 24th day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER KLUTE AND DELNER LIERMANN, DOING)
BUSINESS AS "K & L TRANSFER," RFD NO. 1,)
AND 802 COWAN, YORK, NEBRASKA, FOR)
AUTHORITY TO TRANSFER INTERSTATE OPER-)
ATING RIGHTS TO DELNER LIERMANN, DOING)
BUSINESS AS "K & L TRANSFER," 802 COWAN,)
YORK, NEBRASKA.)

PUC NO. 6366-I - Transfer

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Elmer Klute and Delner Liermann, doing business as "K & L Transfer," York, Nebraska, heretofore were granted a certificate of public convenience and necessity, being PUC No. 6366-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. 6366-I to Delner Liermann, doing business as "K & L Transfer," York, 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

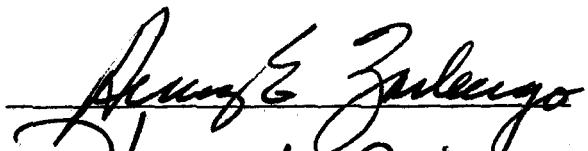
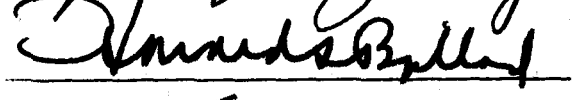
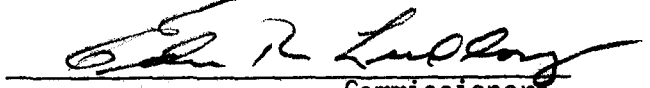
THE COMMISSION ORDERS:

That Elmer Klute and Delner Liermann, doing business as "K & L Transfer," York, Nebraska, be, and hereby are, authorized to transfer all

right, title and interest in and to PUC No. 6366-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Delner Liermann, doing business as "K & L Transfer," York, 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 24th day of April, 1968.
1s

(Decision No. 71224)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
MATIAS LOPEZ, 3284 SOUTH DELAWARE,)	PERMIT NO. B-6551
ENGLEWOOD, COLORADO.)	<u>PERMIT NO. M-12808</u>

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit holder, together with a certified copy of a Court Order, requesting authority to change his name from Matias Lopez to Matthew Papi, in the conduct of operations under Permit No. B-6551 and Permit No. M-12808.

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 Matias Lopez be, and hereby is, authorized to change his name to Matthew Papi in the conduct of operations under Permit No. B-6551 and Permit No. M-12808, 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

Amy G. Guelberg
Handwritten

Ed R. Lundberg
Commissioner

Dated at Denver, Colorado,
this 24th day of April, 1968.
ls

(Decision No. 71225)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CLIFFORD DALE JAMES, DOING BUSINESS) PUC NO. 6536-I
AS "JAMES FARM & RANCH," ROUTE 2,)
ROCKY FORD, COLORADO.)

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled certificate-holder requesting authority to do business under the trade name and style of Clifford Dale James, doing business as "Road Runners," in lieu of Clifford Dale James, doing business as "James Farm & Ranch," in the conduct of operations under PUC No. 6536-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.

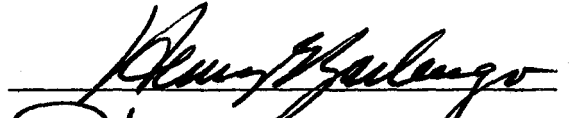
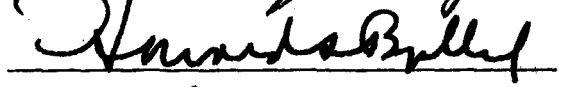
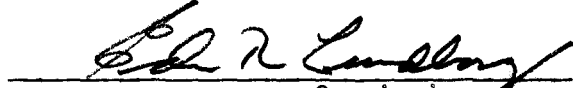
O R D E R

THE COMMISSION ORDERS:

That Clifford Dale James, doing business as "James Farm & Ranch," be, and hereby is, authorized to conduct operations under the trade name and style of Clifford Dale James, doing business as "Road Runners," in the conduct of operations under PUC No. 6536-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 24th day of April, 1968.
1s

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 CONSTRUC-)
TION, 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

SUPPLEMENTAL ORDER

April 24, 1968

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
Bryant O'Donnell, Esq., and
Robert F. Thompson, Esq., for
Applicant;
Miller & Ruyle, Esqs., Greeley, Colorado, by
David J. Miller, Esq., and
Robert A. Ruyle, Esq., for Union Rural
Electric Association, Inc.;
Raphael J. Moses, Esq., Boulder, Colorado, and
John J. Conway, Esq., Denver, Colorado, for
Tri-State Generation and Transmission
Association, Inc.;
V. G. Seavy, Jr., Esq., Denver, Colorado, and
Edward L. Carey, Esq., Washington, D. C. for
International Union, United Mine Workers
of America;
Robert O. Marritz, Esq., Washington, D. C. and
Victor B. Grandy, Esq., Denver, Colorado, and
Tom Bonar, Broomfield, Colorado, for
Colorado Electric Consumers Association,
Inc.;
Eugene R. Weiner, Denver, Colorado, for
Colorado Open Space Coordinating Council, Inc.;
Elbridge G. Burnham, Denver, Colorado,
Individually;
E. R. Thompson, Denver, Colorado, and
Paul M. Brown, Denver, Colorado, and
J. M. McNulty, Denver, Colorado of the
Staff of the Commission;
Robert Lee Kessler, Esq., Denver, Colorado, and
Robert L. Pyle, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado, for
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 2, 1968, the Commission entered Decision No. 71104 in the above-entitled matter.

On April 19, 1968, "Application and Petition for Rehearing," was filed with the Commission by the International Union, United Mine Workers of America, by V. G. Seavy, Jr., its attorney.

On April 22, 1968, "Petition for Rehearing and Reconsideration," was filed with the Commission by Elbridge G. Burnham.

The Commission has carefully considered Petitions for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petitions should be denied.

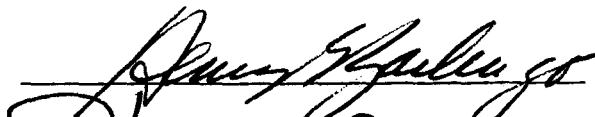
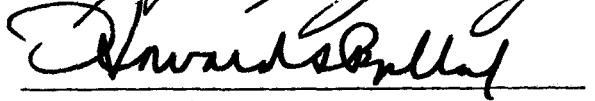
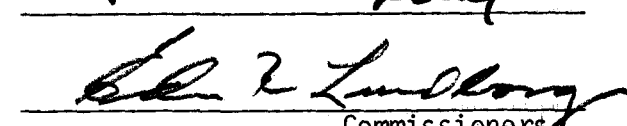
ORDER

THE COMMISSION ORDERS:

That Application and Petition for Rehearing filed by the International Union, United Mine Workers of America, and Petition for Rehearing and Reconsideration by Elbridge G. Burnham filed with the Commission 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 24th day of April, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. EDWARD DUNDON, ADMINISTRATOR C.T.)
A. OF THE ESTATE OF EDWARD W. DUNDON,)
DECEASED, AND CLEO DUNDON TO TRANSFER)
2,190 SHARES OF THE CAPITAL STOCK,)
BEING THE CONTROLLING INTEREST, IN)
AND TO CHECKER CAB COMPANY, A COLO-)
RADO CORPORATION, RECORD OWNER OF)
PUC NO. 78, TO DENVER-COLORADO)
SPRINGS-PUEBLO MOTORWAYS, INC., 2450)
CURTIS STREET, DENVER, COLORADO.)

APPLICATION NO. 22587-Stock Transfer

April 24, 1968

Appearances: John F. Mueller, Esq., Denver,
Colorado, for Applicant;
John R. Barry, Esq., Denver,
Colorado, for Transferee;
David Butler, Esq., Denver,
Colorado, for Colorado Trans-
portation Co., Intervenor.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On May 19, 1967, the above-entitled application was filed re-
questing authority to transfer 2,190 shares of the capital stock, being
the controlling interest, in and to the Checker Cab Company, a Colorado
corporation, record owner of Certificate PUC No. 78, to Denver-Colorado
Springs-Pueblo Motorways, Inc., Denver, Colorado.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by William D. Mitchell -- 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.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Petition for Intervention, filed with the Commission as of March 26, 1968 by Walter M. Simon, Esq. for and on behalf of Rocky Mountain Motor Company, Inc., was denied."

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. Checker Cab Company is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Said corporation is the record owner of PUC No. 78, which is the authority involved in this proceeding.
3. Edward W. Dundon and Cleo Dundon are the owners of 2190 shares of the capital stock, being the controlling interest in and to Checker Cab Company.
4. The authority contained under PUC No. 78 has been continually operated in the past and is presently in good standing with the Commission.
5. A portion of the capital stock of Checker Cab Co. was held by Edward W. Dundon, now deceased. By order of the Probate Court in and for the City and County of Denver dated March 28, 1968, C. Edward Dundon as Administrator C.T.A. was authorized to execute the Agreement attached to Petition for sale and transfer of the interest of decedent in 440 shares of the capital stock.
6. Transferee corporation presently holds authority from this Commission under PUC 48 & I and PUC 4562 & I; however, there is no duplication of authority involved herein.
7. The parties have entered into an agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
8. The Certificate is free and clear of any debts, encumbrances, or obligations.
9. 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.

10. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
11. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing C. Edward Dundon, Administrator C.T.A. of the Estate of Edward W. Dundon, Deceased, and Cleo Dundon to transfer 2,190 shares of the capital stock, being the controlling interest, in and to Checker Cab Company, a Colorado corporation, record owner of PUC No. 78, to Denver-Colorado Springs-Pueblo Motorways, Inc., and that said Order contain the following requirement, to-wit:

That Transferee file and otherwise process to a conclusion an application to clarify and redescribe the authority contained in PUC No. 78, within six months of the effective date of said Commission order."

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:

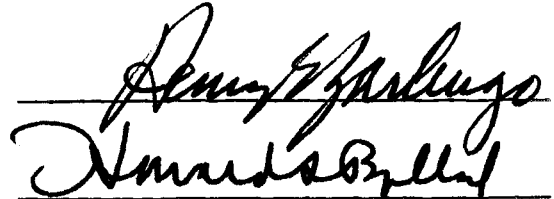
That C. Edward Dundon, Administrator C.T.A. of the Estate of Edward W. Dundon, Deceased, and Cleo Dundon, be, and hereby are, authorized to transfer 2,190 shares of the capital stock, being the controlling interest, in and to the Checker Cab Company, a Colorado corporation, record owner of Certificate PUC No. 78, to Denver-Colorado Springs-Pueblo Motorways, Inc., Denver, Colorado.

That the herein transferee, Denver-Colorado Springs-Pueblo Motorways, Inc., is hereby directed and ordered, within six (6) months from the effective date of this Order, to file an application with the Commission to clarify the operating authority as contained under Certificate PUC No. 78.

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

This Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1968
et

(Decision No. 71228)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. M. POPP TRUCK LINE, INC., DOING)
BUSINESS AS "PETCO, INC., A DIVISION)
OF H. M. POPP TRUCK LINE," P. O. BOX)
447, COMMERCE CITY, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 6742 TO)
PETCO, INC. OF COLORADO, P.O. BOX 447,)
COMMERCE CITY, COLORADO.)

APPLICATION NO. 22980-Transfer

SUPPLEMENTAL ORDER

April 24, 1968

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

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 16, 1968, the Commission entered Decision No. 71189 authorizing the transfer of PUC No. 6742.

It now appears that the Commission through inadvertence, erroneously included the stock paragraph requiring that the transferor file an Annual Report covering operations under said certificate up to the time of transfer of said certificate, and further erroneously omitted reference to the assignment of a new number to the interstate operating rights to be retained by the transferor.

In view of the above and foregoing, the Commission states and finds that Decision No. 71189 should be amended and corrected as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:


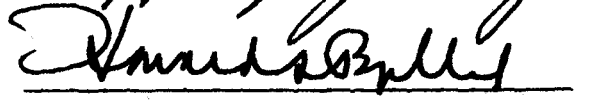
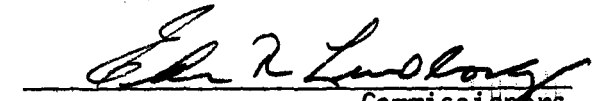
That Decision No. 71189 be, and the same hereby is, amended, nunc pro tunc, as of April 16, 1968, by striking therefrom the entire

third paragraph appearing on page 4 of the Order thereof, and inserting in lieu thereof the following:

"That the interstate operating rights retained by the transferor herein shall be assigned a new number by the Commission."

That except as herein amended, Decision No. 71189 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of April, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
BURDETTE & WILMA M. BRYANT)
DOING BUSINESS AS "BRIGHTON-NORTHGLENN)
CAB," 151 SOUTH 16TH AVENUE,)
BRIGHTON, COLORADO 80601)
-----)

PUC NO. 1791

April 24, 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 April 23, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault
Thomas B. Butler
Edw. J. Ludwig
Commissioners

Dated at Denver, Colorado,
this 24th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GEORGE W. FULTS)
511 - 29 ROAD)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. B-5598

April 24, 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 April 20, 1968 to and including October 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 24th day of April

1968
1s

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

April 24, 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 April 14, 1968 to and including October 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 24th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
JAMES E. EGGERING)
4003 VALLEY DRIVE)
PUEBLO, COLORADO 81001)

PUC NO. 5806-I

April 24, 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 May 10, 1968 to and including November 10, 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 24th day of April

1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
THOMAS BACON AND JERRY L. BACON,)
DOING BUSINESS AS "BACON WATER SERVICE,")
WOODROW, COLORADO 80757)

PERMIT NO. B-4806

April 24, 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 April 18, 1968 to and including October 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

Henry Gallego

James Brundage

Ed R. Ludwig

Commissioners

Dated at Denver, Colorado,
this 24th day of April 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)
MANUEL L. RODRIQUEZ)
GENERAL DELIVERY)
SANFORD, COLORADO 81151)

PERMIT NO. B-6669

April 24, 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 April 8, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault

Donald B. Kelly

Ed R. Lullong
Commissioners

Dated at Denver, Colorado,
this 24th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
JAMES R. BETTS, DOING BUSINESS AS
"JAMES R. BETTS TRUCKING CO.,"
601 N. PENN AVENUE
OBERLIN, KANSAS 67749

* * *
)
)
)
)

PUC NO. 6336-I

April 24, 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 April 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Garlough
Howard S. Bytler
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 24th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HOWARD E. SMITH DBA)
H. E. SMITH)
Imperial, Nebraska 69033)

AUTHORITY NO. M 2477
CASE NO. 2795-M-Ins.

April 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 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.

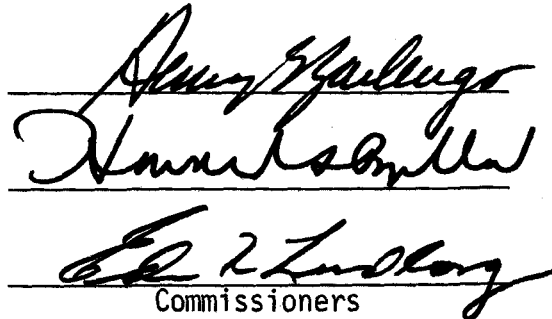
O R D E R

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
25th day of April, 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
E. H. COLLINS DBA)
AMARILLO TRAILER SALES)
Box 5296)
5008 Amarillo Blvd. N. E.)
Amarillo, Texas 79108)

AUTHORITY NO. M 3364
CASE NO. 2862-M-Ins.

April 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 10, 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 G. Gullings
Donald S. Butler

E. R. Lusk
Commissioners

Dated at Denver, Colorado, this
25th day of April, 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Howard E. Smith d/b/a)
H. E. Smith)
Imperial, Nebraska 69033)

AUTHORITY NO. 4610-I
CASE NO. 947-H-Ins.

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 26, 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.

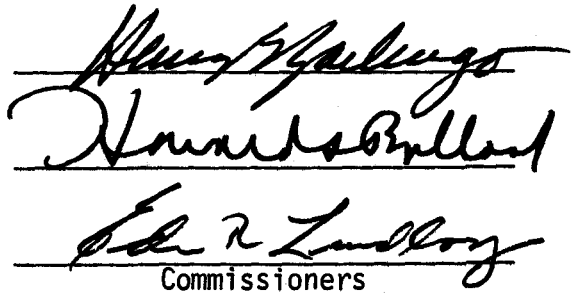
O R D E R

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 April, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Doyle E. Baker
5249 So. Pennsylvania
Littleton, Colorado 80120

AUTHORITY NO. B-5963 & I

CASE NO. 970-H-Ins.

April 24, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.

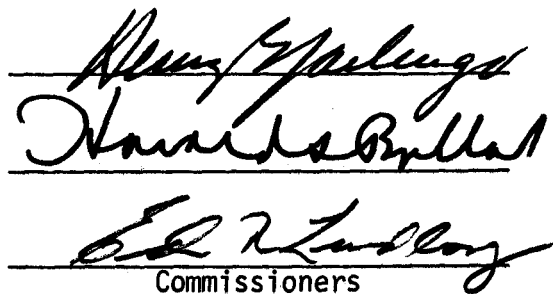
ORDER

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


Commissioners

Dated at Denver, Colorado, this
24th day of April, 1968 .

(Decision No. 71240)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF TRANS)
CENTRAL AIRLINES, INC., A COLORADO CORPOR-)
ATION, TERMINAL BUILDING, STAPLETON INTER-)
NATIONAL AIRPORT, DENVER, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING OPERATION AS A)
SCHEDULED COMMON CARRIER BY AIRPLANE FOR)
THE TRANSPORTATION OF PERSONS AND PROPERTY,)
ON SCHEDULE, FROM, TO AND BETWEEN THE)
FOLLOWING POINTS IN THE STATE OF COLORADO:)
DENVER, PUEBLO AND TRINIDAD.)

APPLICATION NO. 23108

April 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Denver-Colorado Springs-Pueblo Motorway, Inc., by its attorney, John R. Barry, filed a Protest and Intervention as its interests 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, Denver-Colorado Springs-Pueblo Motorway, Inc. 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

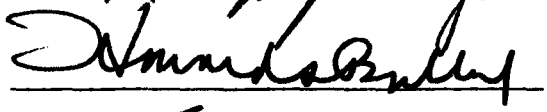
THE COMMISSION ORDERS:


That Petition for Intervention of Denver-Colorado Springs-Pueblo Motorway, Inc., 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







Commissioner

Dated at Denver, Colorado,
this 25th day of April, 1968.
1s

(Decision No. 71241)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
HARDIE W. JAMIESON, DOING BUSINESS)	
AS "JAMIESON TRUCKING CO.," P. O.)	<u>CASE NO. 5363</u>
BOX 995, CRAIG, COLORADO, UNDER)	
PERMIT NO. B-225)	

April 25, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Contract Carriers Conference of the Colorado Motor Carriers' Association, by its Attorney, John J. Conway, filed a Petition to Intervene or for Leave to Appear as Amicus Curiae 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 the Contract Carriers Conference of the Colorado Motor Carriers' Association, by and through its attorney, John J. Conway, should be authorized to appear in this proceeding as an amicus curiae for only the precise purpose of filing briefs or making an oral argument as may be appropriate following the conclusion of the evidence presented at the hearing.

O R D E R

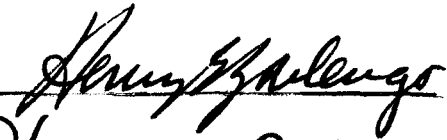
THE COMMISSION ORDERS:

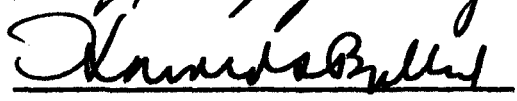
That the Contract Carriers Conference of the Colorado Motor Carriers' Association, by and through its attorney, John J. Conway, be, and hereby is, authorized to appear in this proceeding as an amicus curiae for only the precise purpose of filing briefs or making an oral argument as may be appropriate following the conclusion of the evidence


presented at the hearing.

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 25th day of April, 1968.
1s

(Decision No. 71242)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
FOURTH REVISED SHEET NO. 9, SECOND)
REVISED SHEET NO. 9.1, FOURTH REVISED)
SHEET NO. 10, AND FIRST REVISED SHEET)
NO. 14 OF PLATEAU NATURAL GAS COMPANY)
TARIFF COLORADO P.U.C. NO. 1.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 604

SUPPLEMENTAL ORDER

April 25, 1968

Appearances: John A. Phillips, Esq., Colorado Springs, Colorado, and Richard Mullens, Esq., Wichita, Kansas, for Plateau Natural Gas Company;
Norman L. Arends, Esq., Cheyenne Wells, Colorado, for a number of Protestants;
Bill Greathouse, Walsh, Colorado, pro se;
Bernard Neill, Springfield, Colorado, pro se;
Girts Krumins, Esq., Denver, Colorado, for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 2, 1968, the Commission entered Decision No. 71105 in the above-entitled matter.

On April 22, 1968, "Application for Rehearing," was filed with the Commission by Plateau Natural Gas Company by John A. Phillips, Attorney.

The Commission has carefully considered Application for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Application should be denied.

O R D E R


THE COMMISSION ORDERS:

That Application for Rehearing filed with the Commission by


Plateau Natural Gas Company 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 25th day of April, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF
I. L. JOHNSON
BOX 747
ABERNATHY, TEXAS 79311

)
)
) PUC NO. 2601-I
)
)

April 26, 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

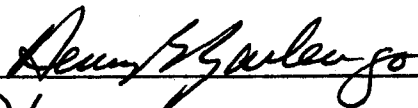
THE COMMISSION ORDERS:

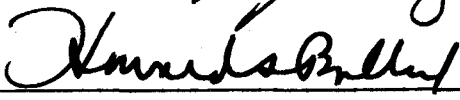
That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 1, 1968 to and including October 1, 1968.


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






Commissioners

Dated at Denver, Colorado,
this 26th day of April 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
CENTRAL TRANSFORMER CORP.)
P. O. Box 1753)
Pine Bluff, Arkansas 71601)

AUTHORITY NO. M 4989
CASE NO. 2866-M-Ins.

April 29, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 10, 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.

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

Demetrius Gallegos
Donald B. Miller
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado, this
29th day of April, 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ASSOCIATED FLOCHIST INC.)
1731 Wazee Street)
Denver, Colorado 80202)

AUTHORITY NO. M 14957
CASE NO. 2906-M-Ins.

April 29, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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 J. Gallego
Donald R. Butler
Lee R. Hussey
Commissioners

Dated at Denver, Colorado, this
29th day of April, 1968 .

(Decision No. 71246)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
UNION PACIFIC RAILROAD COMPANY TO)
DISCONTINUE AND ABANDON THE STATION)
AGENCY AT KIT CARSON IN CHEYENNE)
COUNTY, COLORADO.)

APPLICATION NO. 22775

RE: UNION PACIFIC RAILROAD COMPANY)
TO DISCONTINUE AND ABANDON THE)
STATION AGENCY AT KIT CARSON IN)
CHEYENNE COUNTY, COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 601

April 29, 1968

Appearances: Clayton Knowles, Esq., Denver,
Colorado, for Applicant;
Art Steiner, Mayor, Kit Carson,
Colorado, for the Town of
Kit Carson, Protestant;
Don C. Collins, Kit Carson,
Colorado, pro se;
J. L. McNeill, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On August 31, 1967, Application in the instant matter was filed with the Commission and docketed as Application No. 22775. By said application, request was made for an order to authorize withdrawal of the agency station at Kit Carson, Colorado, effective October 15, 1967. In conformity with the Commission's rules herein, public notice of the proposed change of service was posted at the aforesaid station.

Subsequent to said public posting, letters of protest were received by the Commission. By Decision No. 70277, dated October 20, 1967, the Commission suspended the proposed station closing pending investigation and further order of the Commission. Said Application No. 22775 was thereupon transferred to Commission Investigation and Suspension Docket No. 601. By Decision No. 70900, the Commission granted a further suspension in the matter.

Pursuant to notice given to all interested persons, firms or corporations, a public hearing, regarding the herein matter, was held on Thursday, March 28, 1968, at the City Office, Community Building, Kit Carson, Colorado. After said hearing, the matter was taken under advisement by the Commission.

In this proceeding, we have been requested by Applicant to discontinue its Agency Station at Kit Carson because of the following reasons: there is no passenger service or mail handling performed at this station; most of the revenue results from carload business which can readily be handled at another station; accounting for the station is now performed through the Denver freight office on a regionalized basis for the rail system; that there is not sufficient need or work to justify the agent services; and that the closing of the station would permit the saving of an out-of-pocket expense amounting to approximately \$6,400 per year. Proposal was made to transfer all the business now being performed at Kit Carson to the agency station at Cheyenne Wells, located 25 miles to the east. Protestants herein object on the basis that the proposed discontinuance would cause inconvenience, additional expense to local rail patrons and loss of revenues to local business concerns.

A. APPLICANT AND ITS PROPOSAL

Testimony of Union Pacific Railroad (Applicant) in support of the application was presented by:

R. M. Panter, Station Supervisor, Kansas City, Kansas; and
D. W. Smith, Trainmaster, Denver, Colorado.

Trainmaster Smith described railroad operations through Kit Carson and the operating duties of the agent. Rail traffic consists of four passenger trains -- two east and two west daily. The daily freight movements, in each direction, consist of one through freight train and another switching train for local service, or four freight trains per day. Only one passenger train and a through freight train move through Kit Carson during the daytime hours when the Agent is on duty. The remainder of service, including switching operation, is performed at night.

Movement of trains is under central dispatcher control. Only an occasional train order is sent to the Agent regarding extra trains or emergency needs. Workmen and railroad people at Kit Carson will have access to a private or railroad telephone to contact the Dispatcher for location and time of train movements or for emergency needs. Safety of trains is maintained by operation of block signals over the railroad. Passengers may ride in the caboose of local freight trains and make payment of fare to the train conductor.

Through Station Supervisor Panter, it was established that Kit Carson station hours are 7:00 a.m. to 4:00 p.m., Monday through Friday; that no passenger service is handled at the station; that rail traffic consists entirely of carload movements; that switching is done by the train crews; that billing is handled through the Denver office with statements forwarded to the customer; and that payment for freight bills may be sent by mail to Denver or taken directly to the Kit Carson agent. Due to the limited amount of Station work, proposal was made to transfer the business of Kit Carson to the station at Cheyenne Wells.

Under the proposed change of service, the ordering cars from Cheyenne Wells would be handled by telephone in the same manner as now ordered through the Kit Carson Agent by local shippers, and particularly by patrons at the blind sidings served from Kit Carson as follows:

Sorrento	- 6.3 miles West
Wild Horse	- 12.7 miles West
Boyero	- 30.3 miles West
First View	- 14.2 miles East
Arena	- 5.4 miles East

All toll call expense for railroad business would be accepted by Union Pacific. Orders for cars would be forwarded by the Cheyenne Wells Agent. Cars are normally dispatched from Denver and would be set out by the local switching train according to the customer's request.

All inbound shipments would be handled in the usual manner. The Agent at Cheyenne Wells would send a letter or notify the consignee by telephone of the arrival of his shipment. If it should be more convenient to any customer living to the west from Kit Carson then, their inquiries

concerning freight arrivals or car orders, would also be accepted at stations of Hugo or Limon.

Identified by Mr. Panter and received into evidence were the following exhibits:

Exhibit No. 1 - Survey Report and Tabulations of Business handled, Revenues and Expenses at Kit Carson for Years of 1964, 1965, 1966, 1967 (3 months)

Exhibit No. 2 - Business tabulation as updated to show data for 1967 in full and first two months of 1968.

Summary of the exhibit data is as follows:

<u>Station</u>	<u>1964</u>	<u>1965</u>	<u>1966</u>	<u>1967</u>	<u>1968(2 Mo.)</u>
Revenue:					
Kit Carson	\$ 5,709	6,736	7,296	8,164	658
Sorrento	16,236	742	5,551	1,946	474
Wild Horse	458	392	838	-	-
Boyero	-	162	-	-	-
First View	-	-	1,684	730	1,048
Railway Express	551	549	556	374	-
Revenue Totals	<u>\$22,954</u>	<u>\$8,581</u>	<u>\$15,925</u>	<u>\$11,214</u>	<u>\$2,180</u>
Expense:					
Station Salary & Supplies	\$ 6,082	\$6,395	\$ 6,513	\$ 6,971	\$1,123
Carloads:					
Kit Carson	30	31	39	40	6
Sorrento	41	6	28	11	3
Wild Horse	3	2	1	--	--
Boyero	--	3	2	--	--
First View	--	--	4	3	4
Totals	<u>74</u>	<u>42</u>	<u>74</u>	<u>54</u>	<u>13</u>

With reference to the volume of work at the Kit Carson station, a large part of the Agent duties has been taken over by the regionalized billing and collection work being done at Denver. Involved station work will keep an agent occupied for only about one hour per day. The handling of only 54 total cars, during the year of 1967, as shown in the exhibit data, cannot be justified when, as an average work load, 15 cars per hour could be billed.

In the matter of future claim handling, no perishable materials are handled. In cases of damage to feed shipments, the consignee would call the Agent at Cheyenne Wells and an inspection would be made as soon as possible or the Applicant would accept the customers' estimate of loss.

The depot building is in good condition but would probably be removed at some later date. There will be no change in carload handling since all switching services will be maintained for setting out and picking up cars. The stockyards and trackage will remain for local service. Pertaining to signatures on various railroad documents, the Cheyenne Wells Agent would come to Kit Carson for way bill signatures on cattle shipments; that car releases for Continental Oil unloadings could be signed for mail handling; and that demurrage times would be established by the Agent for car arrivals and the customer could call the Agent to report when the car is clear and note the time -- all of which would require no signatures.

Other data, as requested, at the hearing, to show a comparison of business volumes (station revenues) at Cheyenne Wells and Kit Carson was provided as follows:

<u>Year</u>	<u>Cheyenne Wells</u>	<u>Kit Carson</u>
1964	\$162,600	\$ 7,200
1965	91,200	6,400
1966	123,400	11,300
1967	-	6,653

In addition to questions submitted by various protestants during the hearing, further statements as made in support of initial protests are summarized as follows:

B. PROTESTESTANTS

Art Steiner, Mayor of Kit Carson, is also the operator of Art's Grocery Store. He has had experience as Manager of the local Denver Elevator. The loss of the Agent would be inconvenient. He has seen the L.C.L. rail business taken over by truck line operations with no effort by the railroads to hold the business. He preferred railroad handling as a better type of service but had no information for the possible development of new business volumes.

Elmer Shade is the Commander of the Veterans of Foreign Wars. Its membership considered it important that a protest be submitted to the Commission. He emphasized the local inconvenience that would be caused by removal of the Agent and loss of L. C.L. freight service.

Don Collins, Rancher and President of the Kit Carson State Bank, appeared on his own behalf, and, because of similar community interests he was designated by certain other protestants to act as their spokesman.

Mr. Collins articulated the community's position with much sophistication. Over the many years of Union Pacific operations, the Kit Carson Station and Agent service has been a major convenience to the area and for the people. Testimony given by Applicant to compare business of recent years did not properly reflect the greater volumes handled in 1961, 1962 and 1963. Drought years had occurred in the past and experience has shown that a few wet years will make up the losses. The livestock industry was facing labor problems which indicated a change would be made from the keeping of cow herds for calf production to the practice of rail haulage to bring in yearlings from other areas. Small towns are all a part of the whole economy and that loss of the involved Agent hurts both the town and the pride of the people in the local region. As a resident and taxpayer of the community, he recognized that taxes paid by the Applicant represented an assistance of some 15% toward its financial stability. He requested the Commission give careful consideration to the whole problem as herein involved.

C. DISCUSSION

The promotion of Community welfare and the prestige achieved by the presence of a railroad agent is understandable to the Commission. However, in this regard, we see a fairly regular station operation which supports the out-of-pocket station expense and to which consideration has been directed to the necessity of maintaining the railroad operation, i.e., securing equipment, maintaining lines, providing fuel and labor to operate the trains and providing for the payment of taxes. Hence, in the instant proceeding, in consideration of the element of public convenience and necessity, we note the provisions of an alternate agency service; that essential haulage and switching services will not be changed; that only a very minimum amount of inconvenience will result to patrons; and that elimination of a non-productive station expense will be in the public interest.

In the continuation of service to meet the public needs, the Commission is aware of the fact that, for the carload movements of grain, livestock, gasoline, feed and implements, the routine details of billing and collections can be handled at a station other than the actual point of origin or destination. Routine procedures are also available for the establishment of railroad credit whereby the customary requirement of pre-payment to non-agency stations is to be waived. In view of these factors, no inconvenience is contemplated for regular patrons.

It is also noted that Railway Express shipments are transported into this area by the D.L.B. Truck Line but use is also made of the services of the Railroad Agent on a joint basis. Since joint Agency service is also provided at Cheyenne Wells, there will also be a continuation of Express service from that station.

F I N D I N G S

THE COMMISSION FINDS:

From the above and foregoing Statement, which by reference is made a part hereof, the Commission, after due and careful consideration of the entire record in this proceeding, is of the opinion, and finds:

That safe and economical railroad operation does not require the maintenance of an agent at the Kit Carson Station, Kit Carson, Colorado.

That, under the evidence presented, there is not sufficient public need or convenience to justify the continued maintenance and operation of the Kit Carson Station.

That there will be a continuation of local switching service and trackage; which, with only minor inconvenience on the whole, will be adequate to meet limited requirements of the Kit Carson area.

That the expenses involved in maintaining a Station Agent at Kit Carson are not justified in view of the proposed change of service.

That the public convenience and necessity in the Kit Carson area can be adequately served by the Cheyenne Wells station.

That public convenience and necessity requires the herein proposal of the Applicant to discontinue and abandon its Station Agency at Kit Carson, Cheyenne County, Colorado.

O R D E R

THE COMMISSION ORDERS:

That Applicant herein, Union Pacific Railroad Company, be, and hereby is, authorized to discontinue its Agency service at Kit Carson, Colorado; and to thereafter maintain the same as a prepay or non-agency station served through the Cheyenne Wells Agency office for handling of railroad and Railway Express business.

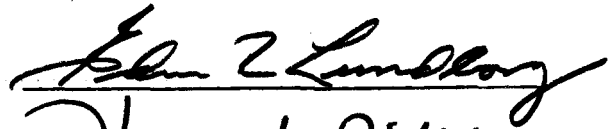
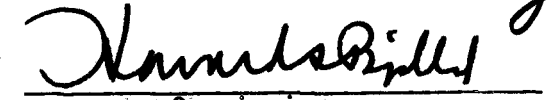
That telephone toll expense for the handling of railroad business from the Kit Carson area shall be paid by Union Pacific Railroad Company.

That reference shall be made to this Decision in the respective tariff schedules of Union Pacific Railroad Company and Railway Express Agency to show closing of the Kit Carson Agency office and as authority for such action.

That the Commission retains jurisdiction in this matter to make such further order or orders as may be required.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

CHAIRMAN HENRY E. ZARLENGO
NOT PARTICIPATING

Dated at Denver, Colorado,
this 29th day of April, 1968
et

(Decision No. 71247)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS CENTRAL AIRLINES, INC., A)
COLORADO CORPORATION, TERMINAL BUILD-)
ING, STAPLETON INTERNATIONAL AIRPORT,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING OPERATION AS A SCHEDULED)
COMMON CARRIER BY AIRPLANE FOR THE)
TRANSPORTATION OF PERSONS AND PROPERTY,)
ON SCHEDULE, FROM, TO AND BETWEEN THE)
FOLLOWING POINTS IN THE STATE OF COLO-)
RADO: DENVER, PUEBLO AND TRINIDAD.)

APPLICATION NO. 23108

May 1, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Frontier Airlines, Inc., by its Attorneys Richard A. Fitzgerald and David N. Bricton, 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, Frontier Airlines, Inc., 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 the Petition of Frontier Airlines, Inc. for Leave to Intervene 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

Alvin E. Zuleygo
Donald B. Miller

Ed R. Lundberg
Commissioners

Dated at Denver, Colorado,
this 1st day of May, 1968.
1s

(Decision No. 71248)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS) OF WILLIAMS LUMBER COMPANY, INC.,) BOX 376, NATURITA, COLORADO.) -----	* * *	PUC NO. 7108-I, PERMIT NO. B-7031 <u>PERMIT NO. M-8212</u>
--	-------------	---

May 1, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled motor vehicle operator requesting authority to change its corporate name from Williams Lumber Company, Inc. to Williams, Inc., in the conduct of operations under PUC No. 7108-I, Permit No. B-7031, and Permit No. M-8212.

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:

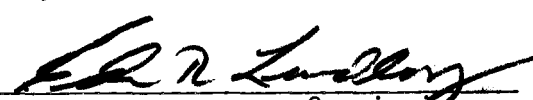
That Williams Lumber Company, Inc. be, and hereby is, authorized to change its corporate name to Williams, Inc., in the conduct of operations under PUC No. 7108-I, Permit No. B-7031, and Permit No. M-8212, and that the Secretary of the Commission be, and hereby is, directed to change the records of the 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 1st day of May, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF EDWIN L. ANDERSON, ENCAMPMENT,)	
WYOMING, FOR AUTHORITY TO TRANSFER)	<u>PERMIT NO. B-1042-I - Transfer</u>
INTERSTATE OPERATING RIGHTS TO)	
ANDERSON FARMS, INC., ROUTE 1,)	
ENCAMPMENT, WYOMING.)	

May 1, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Edwin L. Anderson, Encampment, Wyoming, was granted a permit to operate as a private carrier by motor vehicle for hire, being Permit No. B-1042-I:

"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-1042-I to Anderson Farms, Inc., Encampment, 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 authorized as set forth in the Order following.

O R D E R

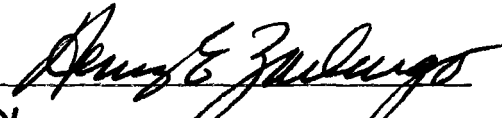
THE COMMISSION ORDERS:

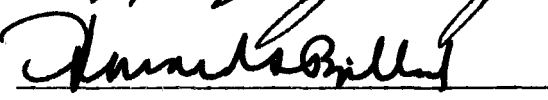
That Edwin L. Anderson, Encampment, Wyoming, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-1042-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to Anderson Farms, Inc., Encampment,


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 1st day of May, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

GREAT PLAINS STEEL CORP.)
1720 Pacific Avenue)
Cheyenne, Wyoming 82001)

AUTHORITY NO. M 2928

CASE NO. 2858-M-Ins.

May 1, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.


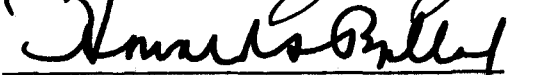
O R D E R

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

1st day of May, 1968 .

(Decision No. 71251)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAILWAY EXPRESS AGENCY, INCORPORATED,)
EXPRESS ANNEX, UNION STATION, DENVER,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AS A COMMON)
CARRIER TO TRANSPORT GENERAL COMMODI-)
TIES MOVING IN EXPRESS SERVICE, BY)
MOTOR VEHICLE.)

APPLICATION NO. 23157
ORDER DENYING
MOTION FOR TEMPORARY AUTHORITY

May 2, 1968

S T A T E M E N T

BY THE COMMISSION:

On April 26, 1968, Railway Express Agency, Incorporated filed an application with the Commission for a Certificate of Public Convenience and Necessity as a Common Carrier to transport general commodities moving in express service by motor vehicle over the following-described routes:

Between Denver, Colorado and Fort Collins, Colorado serving the intermediate and/or off route points of Broomfield, Boulder, Longmont, Loveland, Ault, Eaton, Greeley, LaSalle, Fort Lupton and Brighton, Colorado, and serving the junction of Colorado Highway 14 and U.S. Highway 87/Interstate Highway 25 for purposes of joinder only.

From Denver, Colorado over Interstate Highway 25 and Denver-Boulder Turnpike to Boulder, Colorado, thence over Colorado Highway 119 to Longmont, Colorado, thence over U.S. Highway 287 to Fort Collins, Colorado, thence over Colorado Highway 14 to Ault, Colorado, thence over U.S. Highway 85 to Denver, Colorado, and return over the same route.

Serving the intersection of Colorado Highway 14 and U.S. Highway 87/Interstate Highway 25 for purposes of joinder only.

Between Denver, Colorado and the intersection of U.S. Highway 87 and/or Interstate Highway 25 with Colorado State Highway 14 as an alternate route.

From Denver, Colorado over U.S. Highway 87/Interstate Highway 25 to the junction with Colorado State Highway 14, and return over the same route.

Between Pueblo, Colorado and the intersection of U.S. Highway 50 and Colorado State Highway 209 as an alternate route.

From Pueblo, Colorado over U.S. Highway 50 to the intersection of U.S. Highway 50 and Colorado State Highway 209, and return over the same route.

Between LaJunta, Colorado and Pueblo, Colorado serving the intermediate and/or off route points of Trinidad and Walsenburg, Colorado.

From LaJunta, Colorado over U.S. Highway 350 to Trinidad, Colorado, thence over Interstate Highway 25/U.S. Highway 87 to Pueblo, Colorado and return over the same route.

Between Grand Junction, Colorado and Gunnison, Colorado, serving the intermediate and/or off route points of Delta, Olathe, and Montrose, Colorado.

From Grand Junction, Colorado over U.S. Highway 50 to Gunnison, Colorado, and return over the same route.

Between Grand Junction, Colorado and Aspen, Colorado, serving the intermediate and/or off route points of Fruita, Palisade, Rifle and Glenwood Springs, Colorado.

From Grand Junction, Colorado over U.S. Highway 6/Interstate Highway 70 to Glenwood Springs, Colorado, thence over Colorado State Highway 82 to Aspen, Colorado and return over the same route.

Between Denver, Colorado and Sterling, Colorado serving the intermediate and/or off route points of Brush, Fort Morgan, Greeley and Wiggins, Colorado.

From Denver, Colorado over U.S. Highway 6/Interstate Highway 80S to Sterling, Colorado and return over the same route.

From Fort Morgan, Colorado, over U.S. Highway 34 to Greeley, Colorado, and return over the same route.

Remove restriction number one (1) from existing authority under Certificate 1467 & I, Decision No. 46251, which reads as follows:

"1. The service by motor vehicle to be performed by applicant shall be limited to service which is auxiliary to or supplemental of railroad service."

Serving Louviers, Colorado as an intermediate and/or off route point on existing authority under Certificate 1467 & I, Decision No. 46251.

Between Denver, Colorado and the intersection of Interstate Highway 25 and U.S. Highway 85, near Castle Rock, Colorado, serving no intermediate and/or off route points, and serving the intersection of Interstate Highway 25 and U.S. Highway 85 for purposes of joinder.

From Denver, Colorado over Interstate Highway 25 to the intersection with U.S. Highway 85 near Castle Rock, Colorado, and return over the same route.

In conjunction with said application, Railway Express Agency, Incorporated also filed a Motion requesting that the Commission, without hearing, grant a temporary authority for a period of ninety (90) days to transport general commodities moving in express service in the area as above set forth.

This Commission, in the past, has normally granted temporary authority only in the specific instances where it has been shown that an urgent and pressing public need existed for such authority. Railway Express Agency, Incorporated, in the opinion of the Commission, has not shown the existence of such public need. Accordingly, therefore, we will enter our Order denying the Motion as filed. If, however, Railway Express Agency, Incorporated should desire to file a new Motion for Temporary Authority supported by proper evidence, the Commission will give such new Motion proper consideration.


O R D E R

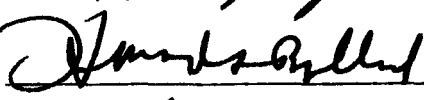
THE COMMISSION ORDERS:

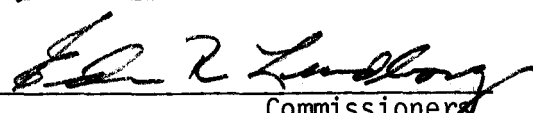
That the Motion for Temporary Authority as filed by Railway Express Agency, Incorporated, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

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

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HAC Non Stock Transport Ass'n.)
P.O. Box 491)
Arapahoe, Nebraska 68922)

AUTHORITY NO. M-6254
CASE NO. 2925-M-Ins.

May 2, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.

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 J. Gallego
Donald B. Bell
Ed R. Lundberg
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Sterling Industries Inc.
P.O. Box 26247
190 South Union Blvd.
Denver, Colorado 80226

AUTHORITY NO. M-9309
CASE NO. 2954-M-Ins.

May 2, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.

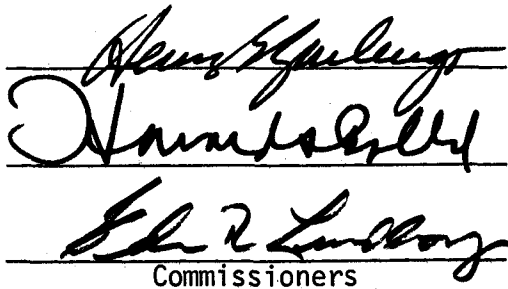
ORDER

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


Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
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.)

May 3, 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 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.

O R D E R

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:

Alver Popcorn Company	P.O. Box 25, Milford, Illinois 60953
Anderson, Stanley G. dba Anderson Stan General Contractor	P.O. Box 1420, Aspen, Colorado 81611
McCulley-Cook, Inc. dba Atlas Steel Buildings	P.O. Box 231, Oswego, Kansas 67356
Arthur L. Baker & John W. Frank dba B & F Equipment & Supply	515-6th St., Box 3267, Durango, Colorado 81301
Byron Jackson Pump Div., Borg- Warner Corp. dba "BJ"	1305 No. Columbia St., Plainview, Texas 79072
Don Kane dba Bar K Bi-Products Co.	R. 1, Box 178, Ft. Collins, Colo. 80521
Homer Bennett dba Bennett Irrigation	800 Allen, Clovis, New Mexico 88101
Robert J. Brunkhardt dba Brunkhardt Water Well Drilling	429 Walnut, Ft. Morgan, Colo. 80701
Vernon D. & John R. Buchanan dba Buchanan Feed Company	Box 331, Roosevelt, Utah 84066
Bustamente, Frank	1632 Lane 25, Pueblo, Colo. 81004
Donald Case dba Case Supply Company	P.O. Box 122, Granby, Colo. 80446
Chavez, Thomas F.	P.O. Box 377, San Luis, Colo. 81152
Clements, Edward L. & Voline L.	2528 No. 12th St., Grand Junction, Colorado 81501
Jack R. Shields dba Cotopaxi Garage	Box 9, Hiway 50, Cotopaxi, Colo. 81223
Dexter Axle Co., Inc., Subsidiary of Phillips Industries Inc. dba Dexter Axle Company, Inc.	Hiwy. #160, East Box 466, Winfield, Kansas 67156
Dyche, R. J.	1360 Brown Ave., Kansas City, Kansas 66104
Merrill Kennedy & Robert Brace dba Four States Tractor & Equipment General Wholesale Cooperative Inc.	P.O. Box 622, Cortez, Colo. 81301 Norfolk, Nebraska 68701
Gleason Roy R. dba Gleason, Roy	R. 1, Box 408, Montrose, Colo. 81401
Graff, John M. dba Graff Tire Co.	5007 So. 26th St., Omaha, Nebr. 68107
Greenbolt Grain & Storage	Box 2007, Vernon, Texas 76384
Gregerson, James dba Gregerson Elevator	Ute, Iowa 51060
Gwinner, William Jackson	1232 Hartford, Colorado Springs, Colorado 80906
Hraban, Frank J. dba H & W Manufacturing Company	1317 Frisco, Chickasha, Oklahoma 73018
Hackney, C. L.	627 Braemer Circle, Grand Junction, Colorado 81501
Hapke, Clarence R.	901 So. Sheridan, Denver, Colo. 80226
Hudson, Glen	Rt. 7, Box 14, Portales, New Mexico 88130
Hulett, Norma	Brownville, Nebraska 68321

Industrial Plastic Corp.
 Justin Seed Co., Inc.
 Keebler Company
 Lesley Luther dba Lesley
 Motor Company
 Lopez, Eddie
 Luellen, Jed
 Marl Dinettes Inc.
 Martinez, John J.
 Meade Manufacturing Inc.
 Mill Fab Inc.
 Monroe, George
 Drake, Jack dba Montrose
 Auto Salvage
 Enriquez, Nassario dba
 Ned's Pest Control Service
 Burkhard, A.F. dba North Fork
 Concrete Products
 Ortega, Lionel
 Owens, Virginia A. I. dba
 Owens, V. A. I.
 REM Company Inc.

 Sample Brothers Inc.
 Sell, Raymond dba Sell Farm
 Supply
 Skinner, Richard P.
 Stewart, Roy
 Berry, Ray W. & Cotton, Bailey L.
 dba Table Mesa Veterinary Medi-
 cal Center
 Taylor, Marshall P. dba
 Taylor Trucking
 Terry County Plastics
 Thompson, Dusty J.
 Allen, Alvin M. dba Tiny
 Packing Company
 Town & Country Manufacturing
 Travette Manufacturing Co., Inc.

 Van Matre, Eugene L.

 Schrag, Walter dba Walt's Feed
 & Supply
 Weaver, J. W.
 Whited, H. Vern
 Wilkins, Otis J.
 Wynn, Richard dba Wyann, Richard
 Enterprises

South Outer Rd. East, Grain Valley,
 Missouri 64029
 Box 408, Justin, Texas 76247
 677 Larch Ave., Elmhurst, Ill. 60126
 W. Highway 60, Box 913, Hereford,
 Texas 79045
 Route 1, Alamosa, Colo. 81101
 420 Hoag Ave., Yuma Colo. 80759
 204 E. Bodley, Memphis, Tenn. 38106
 P.O. Box 575, Walsenburg, Colo. 81089
 Box 710, Meade, Kansas 67864
 418 East South St., Stoughton, Wis. 53589
 577 No. Day, Powell, Wymong 82435
 Rt. 1, Box 16, Montrose, Colo. 81401

 556-1st St., Durango, Colo. 81301

 P.O. Box 126, Hotchkiss, Colo. 81419
 Rt. 3, Box 200, Alamosa, Colo. 81101
 2638 Waldean, Colorado Springs
 Colorado 80909
 933 Edison St., Salt Lake City,
 Utah 84111
 Box 235, Chappell, Nebraska 69129
 Rt. 2, Box 970, Amarillo,
 Texas 79105
 Box 67, Clifton, Colo. 81520
 Box 171, Sunland Park, New Mexico 88063

 4660 Table Mesa Drive, Boulder,
 Colorado 80301
 P.O. Box 10217, Alameda,
 New Mexico 87114
 Brownfield, Texas 79316
 Penrose, Colorado 81240
 Rt. 2, Box 61, Pueblo,
 Colorado 81004
 Box 1309, Lawton, Oklahoma 73501
 705 So. Union Ave., Bakersfield,
 California 93307
 855 - 22nd Road, Grand Junction,
 Colorado 81501

 Galva, Kansas 67443
 P.O. Box 401, Carbondale, Colo. 81623
 528 W. Adams St., Pueblo, Colo. 81005
 3349 High St., Denver, Colo. 80216
 422 Dale Ave. NW, Knoxville,
 Tennessee 37901

This Order shall become effective ten days from the date
hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Fairbank
Donald R. Bell
Ed. R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 3rd day of May, 1968.
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEWIS W. FORMAZ, ROUTE 4, BOX 4,)
GUNNISON, COLORADO, FOR A CLASS "B") APPLICATION NO. 23079-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

May 3, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 20, 1968, 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 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.

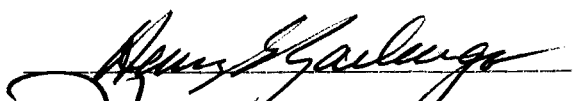

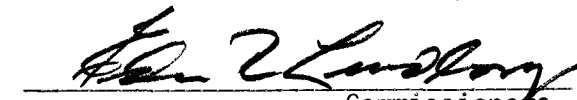
The Examiner, in his filed report with the Commission, has recommended, in view of the above, that the herein application be dismissed for failure to prosecute.

ORDER

THE COMMISSION ORDERS:

That Application No. 23079-PP, be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of May, 1968.
1s

(Decision No. 71256)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF JERRY CROSS, ROUTE 2, BOX 49,)	
OLATHE, COLORADO, FOR A CLASS "B"	)	<u>APPLICATION NO. 22952-PP</u>
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 3, 1968

Appearances: Thomas F. Cheney, Esq.,
Montrose, Colorado, for
Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 5, 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

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests;

(2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

This permit is restricted against town-to-town service."

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 Jerry Cross, Olathe, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 100 miles of said forests.

(2) Rough lumber

From sawmills in said 100-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service; and this ORDER shall be deemed to be, and be, a PERMIT therefor.

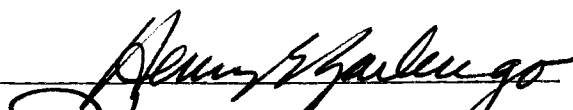
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

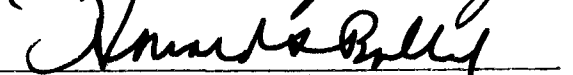
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

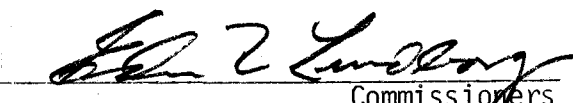
That the right of applicant to operate hereunder shall depend upon his compliance with all present and future laws and rules and regulations of the Commission.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
2nd day of May, 1968.

(Decision No. 71257)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK STRAINER, DOING BUSINESS AS)
"FRANK STRAINER, EXCAVATING," 904)
MADISON AVENUE, CANON CITY, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23095-PP

May 3, 1968

Appearances: Frank Strainer, Canon City,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 13, 1968, the above-entitled applicaton was filed re-
questing 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 doing business as "Frank Strainer, Excavating."
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

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

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 Frank Strainer, doing business as "Frank Strainer, Excavating," Canon City, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

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 3rd day of May, 1968.

1s

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 CONSTRUC-)
TION, 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

SUPPLEMENTAL ORDER

May 3, 1968

Appearances: Lee, Bryans, Kelly & Stansfield, Esqs.,
Denver, Colorado, by
Bryant O'Donnell, Esq., and
Robert F. Thompson, Esq., for
Applicant;
Miller & Ruyle, Esqs., Greeley, Colorado, by
David J. Miller, Esq., and
Robert A. Ruyle, Esq., for Union Rural
Electric Association, Inc.;

Raphael J. Moses, Esq., Boulder, Colorado, and
John J. Conway, Esq., Denver, Colorado, for
Tri-State Generation and Transmission
Association, Inc.;

V. G. Seavy, Jr., Esq., Denver, Colorado, and
Edward L. Carey, Esq., Washington, D.C. for
International Union, United Mine Workers
of America;

Robert O. Marritz, Esq., Washington, D.C. and
Victor B. Grandy, Esq., Denver, Colorado, and
Tom Bonar, Broomfield, Colorado, for
Colorado Electric Consumers Association, Inc.;

Eugene R. Weiner, Denver, Colorado, for
Colorado Open Space Coordinating Council, Inc.;

Elbridge G. Burnham, Denver, Colorado,
Individually;

E. R. Thompson, Denver, Colorado, and
Paul M. Brown, Denver, Colorado, and
J. M. McNulty, Denver, Colorado, of the
Staff of the Commission;

Robert Lee Kessler, Esq., Denver, Colorado, and
Robert L. Pyle, Esq., Denver, Colorado, and
Girts Krumins, Esq., Denver, Colorado, for
the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 2, 1968, the Commission entered Decision No. 71104 in the above-entitled matter.

On April 24, 1968, the Commission entered Decision No. 71226 denying the Application and Petition for Rehearing filed by the International Union, United Mine Workers of America, and Petition for Rehearing and Reconsideration by Elbridge G. Burnham.

On April 26, 1968, the International Union, United Mine Workers of America, by its attorney V. G. Seavy, Jr., filed a Motion for Stay and Suspension of Decision No. 71104.

The Commission has carefully considered said Motion filed herein, and each and every allegation thereof, and is of the opinion and finds that said Motion should be denied.

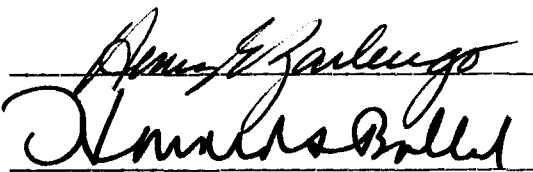

O R D E R

THE COMMISSION ORDERS:

That Motion for Stay and Suspension of Decision No. 71104, filed by the International Union, United Mine Workers of America, 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 3rd day of April, 1968.

1s

(Decision No. 71259)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD R. COOPER, BOX 443, LAKE)
CITY, COLORADO, FOR A CLASS "B") APPLICATION NO. 23074-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

May 3, 1968

Appearances: Richard R. Cooper, Lake City,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 20, 1968, 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

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests;

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service."

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 Richard R. Cooper, Lake City, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 75 miles of said forests.

(2) Rough lumber

From sawmills in said 75-mile radius to markets in the State of Colorado.

RESTRICTION:

This Permit is restricted against town-to-town service;

and this Order is 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

Henry G. Gallegos
Donald S. Burt
Ed. E. Ludwig
Commissioners

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

(Decision No. 71260)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BILL LUNDAHL, 1209 SMITHLAND,)
LAJUNTA, COLORADO, FOR AUTHORITY)
TO TRANSFER PERMIT NO. B-7052 TO)
GERALD E. WILLHOITE, 2117 CIMARRON,)
LAJUNTA, COLORADO.)

APPLICATION NO. 23055-PP-Transfer

May 3, 1968

Appearances: Gerald E. Willhoite, LaJunta,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 19, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-7052.

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. Transferor herein is the present owner and operator of Permit No. B-7052 which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid 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 as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to Permit No. B-7052 to Gerald E. Willhoite, and that henceforth the full and complete authority under said Permit No. B-7052 shall read as follows, to-wit:

"Transportation of

General commodities

From point to point within a sixty-five (65) mile radius of LaJunta, Colorado, for one customer only, viz.: Montgomery Ward & Co. (LaJunta store).

RESTRICTION:

This Permit is restricted to serving retail customers only."

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 Bill Lundahl, LaJunta, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-7052, to Gerald E. Willhoite, LaJunta, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-7052 shall read and be as follows, to-wit:

Transportation of

General commodities

Between points in LaJunta, Colorado and a 65-mile radius thereof.

RESTRICTION:

This Permit is restricted to service for only Montgomery Ward & Company at LaJunta, Colorado.

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


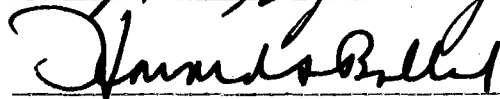
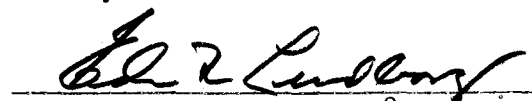
The right of transferee to operate under this Order shall depend upon his compliance with all present and future laws and rules and regulations

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 3rd day of May, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
GORDON PINYAN)
928 SOUTH LOGAN)
DENVER, COLORADO 80209)
-----)

PERMIT NO. B-6954

May 3, 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 May 2, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Spilengo
Donald Bell
Ed 2 Ludwig
Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
ROGERS E. GREENMAN	}	PERMIT NO. M-9961
1401 14TH STREET	}	
GREELEY, COLORADO 80631	}	

May 3, 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 April 29, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Harkins

Donald Bjelland

E. J. Lundberg

Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
ROGERS E. GREENMAN
1401 14TH STREET
GREELEY, COLORADO

* * *
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)
)
)

PERMIT NO. B-7027

May 3, 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 April 29, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Spilung
Harold Bull
Ed R. Lindsey
Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
RALPH E. BEECHER
1569 SOUTH LINCOLN STREET
DENVER, COLORADO 80210

* * *
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}
}
}

PERMIT NO. B-6201

May 3, 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 April 21, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry J. Pulengo
Donald B. Miller
Ed. J. Lundberg
Commissioners

Dated at Denver, Colorado,
this 3rd day of May

1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM G. BENDER, DOING BUSINESS AS
"BENDER COMMUNITY TV CO.,"
351 "E" AVENUE
LIMON, COLORADO 80828

PERMIT NO. M-3964

May 3, 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

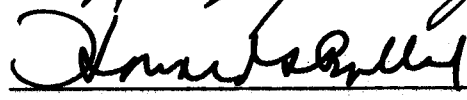
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective May 9, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
BEN F. KLIPPEL
446 ROSE AVENUE
PRICE, UTAH 84501

* * *
)
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)

PERMIT NO. M-5813

May 3, 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

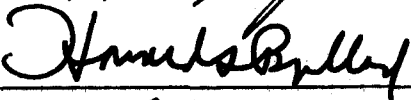
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective May 2, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
EDWIN C. AUSTIN
827 EAST 4TH
DELTA, COLORADO 81416

* * *
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)

PERMIT NO. M-12582

May 3, 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 April 22, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
ERVING HANSEN, DOING BUSINESS AS	}	
"ERVING HANSEN LUMBER CO.,"	}	<u>PERMIT NO. M-5478</u>
BOX 221	}	
PONCHA SPRINGS, COLORADO 81242	}	

May 3, 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.

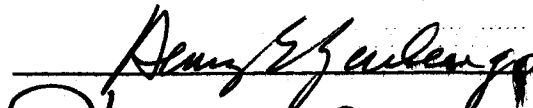
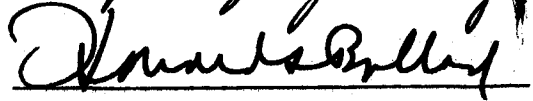

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 5, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




 Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF WALLACE A. KERLEE, DOING BUSINESS AS "M & K OIL CO.," P. O. BOX 1195 DURANGO, COLORADO 81301	* * *))))	<u>PERMIT NO. M-7784</u>
--	---------------------------	--------------------------

May 3, 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 May 2, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Arango

Donald B. Butler

Ed R. Lundberg

 Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
JOHN E. GALLOB AND RAYMOND F. JOHNSON,)
DOING BUSINESS AS "HOME BUILDING)
AND SUPPLY,")
P. O. BOX 147)
PAONIA, COLORADO 81428)

PERMIT NO. M-11817

May 3, 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.

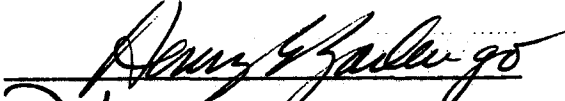
O R D E R

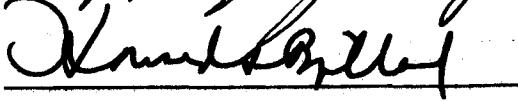
THE COMMISSION ORDERS:

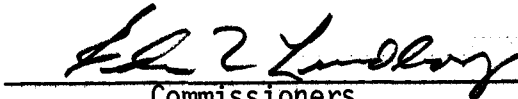
That the above-entitled authority be, and the same hereby is, cancelled effective April 30, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF CHARLES MOSER ROUTE 1, BOX 238 TRINIDAD, COLORADO	* * *))))	<u>PERMIT NO. M-8140</u>
--	---------------------------	--------------------------

May 3, 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 April 28, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry G. Gault

Donald B. Bell

Ed R. Lindsay

 Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
WESTERN BATTERY AND SUPPLY COMPANY
4201 GALAPAGO STREET
DENVER, COLORADO 80216

* * *
)
}
}
)

PERMIT NO. M-10211

May 3, 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.

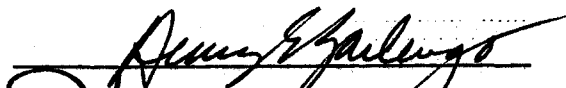


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective April 25, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 3rd day of May 1968
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JUAN A. TORRES, 815 CURRIE, PUEBLO,)	
COLORADO, FOR AUTHORITY TO TRANSFER)	<u>APPLICATION NO. 23067-Transfer</u>
PUC NO. 4366 TO ROBERT TORRES, DOING)	
BUSINESS AS "E Z DISPOSAL CO.)	
DIV. OF TORRES TRUCKING CO.",)	
815 CURRIE, PUEBLO, COLORADO.)	

May 6, 1968

Appearances: Juan A. Torres, Pueblo, Colorado,
Transferor;
Robert Torres, doing business
as "E Z Disposal Co. Div.
of Torres Trucking Co.," Pueblo,
Colorado, Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 26, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 4366.

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. Transferor herein is the present owner and operator of PUC No. 4366 which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee presently holds authority under Permit No. B-6326 and Permit No. M-4662. There is no duplication of authority involved herein.
4. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, there was no consideration paid.
5. The Certificate 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 as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 4366 to Robert Torres, doing business as "E Z Disposal Co. Division of Torres Trucking Co.", and that henceforth the full and complete authority under said PUC No. 4366 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From the City of Pueblo, Colorado, and a fifteen (15) mile radius of the Pueblo Post Office, to designated and approved dumps and disposal sites in Pueblo County, Colorado."

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 Juan A. Torres, Pueblo, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 4366, to Robert Torres, doing business as "E Z Disposal Co. Div. of Torres Trucking Co.", Pueblo, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate PUC No. 4366 shall read and be as follows, to-wit:

Transportation of


Ashes, trash and other refuse

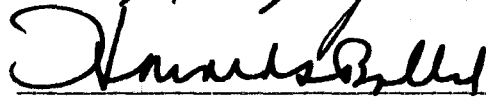
From the City of Pueblo, State of Colorado, and a fifteen (15) mile radius from the Pueblo Post Office, Pueblo, Colorado, to designated and approved dumps and disposal sites in Pueblo County, State of Colorado.

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.

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 6th day of May, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GARLAND C. GAINES, DOING BUSINESS)	
AS "GAINES QUARRY", 2449 PEAR AVENUE,)	<u>APPLICATION NO. 23084-PP</u>
CANON CITY, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 6, 1968

Appearances: Garland C. Gaines, Canon City,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 11, 1968, 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, doing business as "Gaines Quarry".
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 contract with customers to perform the 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

Crude Clay

From Rock Creek Mine, Rock Creek, Colorado, to all points in the State of Colorado.

RESTRICTION:

This Permit is restricted to service for one customer, only, viz: Standard Fire Brick Company at Pueblo."

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 Garland C. Gaines, doing business as "Gaines Quarry," Canon City, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Crude Clay

From Rock Creek Mine, Rock Creek, Colorado, to all points in the State of Colorado.

RESTRICTION:

This Permit is restricted to service for only the Standard Fire Brick Company located at Pueblo, Colorado;

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

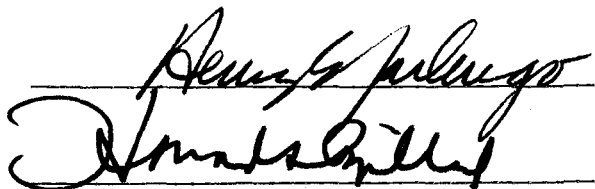

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed 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 6th day of May, 1968.

(Decision No. 71276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY SUMNER, 514 SIXTH STREET,)
GREELEY, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23004-PP
SUPPLEMENTAL ORDER

May 6, 1968

Appearances: Harry Sumner, Greeley, Colo-
rado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 14, 1968, the Commission entered its Decision No. 70883 in the above-styled application, granting to applicant herein the right to operate as a Class "B" private carrier by motor vehicle for hire.

Said applicant has failed to comply with the requirements set forth in said Decision No. 70883, viz., has failed to file certificate of insurance cargo coverage, tariff of rates and C.O.D. bond.

The Commission states and finds that inasmuch as applicant has not fulfilled requirements set forth in Decision No. 70883, operating rights granted thereby should be revoked, as set forth in the Order following.


O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Harry Sumner, Greeley, Colorado, by Decision No. 70883, dated February 14, 1968, be, and the same hereby are, revoked, for failure of applicant to comply with requirements set forth in said Decision No. 70883.

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 6th day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
MERTON W. and PAULINE E. COLE)
661 HIWAY 50)
GRAND JUNCTION, COLORADO 81501)

PERMIT NO. B-6504

May 6, 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

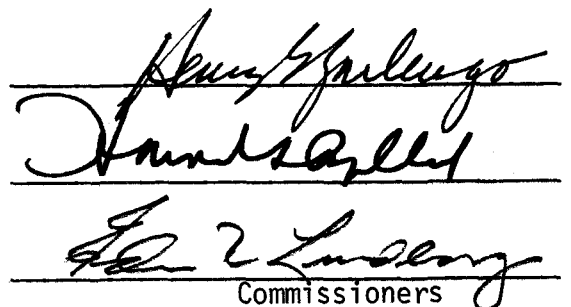
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 21, 1968 to and including October 21, 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 6th day of May 1968

et

(Decision No. 71278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF THEODORE H. SCHWARZ, 779 ELKHART)
STREET, AURORA, COLORADO, FOR AUTH-)
ORITY TO TRANSFER INTERSTATE OPER-)
ATING RIGHTS TO T. H. SCHWARZ, INC.,)
c/o PACIFIC AIR FREIGHT, INC., AIR)
CARGO BUILDING, STAPLETON INTER-)
NATIONAL AIRPORT, DENVER, COLORADO.)

PUC NO. 6999-I - Transfer

May 7, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Theodore H. Schwarz, Aurora, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 6999-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 Act of 1935, as amended."

Said certificate-holder now seeks authority to transfer said PUC No. 6999-I to T. H. Schwarz, Inc., Denver, Colorado.

Inasmuch as the records and files of the Commission fails 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:

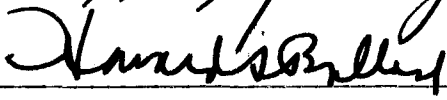
That Theodore H. Schwarz, Aurora, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 6999-I -- with authority as set forth in the Statement preceding which is made a

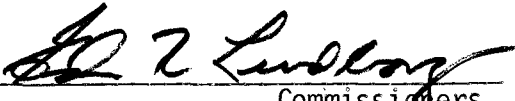
part hereof by reference -- to T. H. Schwarz, Inc., Denver, Colorado, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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 7th day of May, 1968.
ls

(Decision No. 71279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MICHAEL A. FRITTS, 6968 SOUTH BOULDER)
ROAD, BOULDER, COLORADO, FOR AUTHORITY)
TO TRANSFER PUC NO. 900 TO HARLEY)
KEETER, JR., DOING BUSINESS AS "HARLEY)
KEETER TRUCKING," 6379 VALMONT DRIVE,)
BOULDER, COLORADO.)

APPLICATION NO. 22371-Transfer
SUPPLEMENTAL ORDER

May 7, 1968

Appearances: Stanley F. Johnson, Esq., Boulder,
Colorado, for Applicants;
Leslie R. Kehl, Esq., Denver,
Colorado, for Pherson Trucking Co.;
Melvin Chance, Boulder, Colorado,
for Overland Motor Express, Inc.,
doing business as "Boulder-Denver
Truck Line."

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 1, 1967, the Commission entered Decision No. 69596 in the above-entitled application, revoking and cancelling PUC No. 900 excepting insofar as all rights for the transportation of livestock is concerned, authorizing the transfer of all rights for the transportation of livestock included under PUC No. 900 to Harley Keeter, Jr., doing business as "Harley Keeter Trucking," and consolidating said operating rights so authorized to be transferred to be consolidated with and known as PUC No. 4660 and PUC No. 4660-I.

The requirements which are a condition precedent to transfer of said Certificate upon our records were never complied with and the records of the Commission show that said operating rights are the property of Michael A. Fritts.

In view of the fact that the revocation and cancellation of PUC No. 900 would apply only if the authority as contained thereunder

were transferred, and the fact that the parties to the transfer proceedings did not consummate or accept the transfer of said PUC No. 900, the records of the Commission should accordingly be corrected and amended to show the authority under said PUC No. 900 and PUC No. 900-I to be that as existed at the time of the filing of the application to transfer said Certificate.

The Commission states and finds that Decision No. 69596 should be set aside and vacated and held for naught as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 69596, dated June 1, 1967, be, and the same hereby is, vacated, set aside and held for naught.

That the Secretary of the Commission be, and is hereby, directed to change the records of the Commission to show that Michael A. Fritts is the owner and operator of PUC No. 900 and PUC No. 900-I.

That the authority under said PUC No. 900 and PUC No. 900-I shall be, and remain, as it was at the time of the filing of Application No. 22371-Transfer, to-wit:

Transportation, not on schedule, of farm products (including livestock), farm supplies and farm equipment (including used furniture when moved with farmer's equipment), into, out of, and between points within the south half of Boulder County, Colorado, for customers residing in said area;

PROVIDED, however, that applicant hereby is expressly denied authority to transport new equipment or furniture from Denver to Boulder and to engage in any transportation service of a competitive character between points along the line haul of scheduled common carriers now serving this area;

transportation, not on schedule, of general commodities between points in the south half of Boulder County, Colorado, and from and to points in said county, to and from other points in the State.

EXCEPT, no movement of household goods;

no movement of ore;

hard rock mining machinery equipment and supplies;

no movement between towns served by line-haul common carriers and no movement between towns served by the rail lines with the exception of cement and rock in less than carload shipments into Boulder, Colorado.

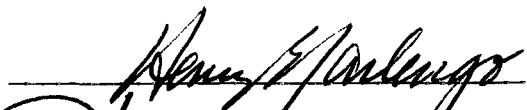
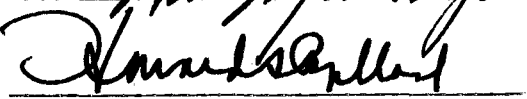
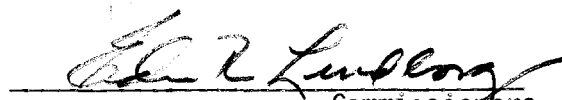
INTERSTATE AUTHORITY: Between all points in Colorado and the Colorado state boundary lines where all highways cross the same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

That the Secretary of the Commission be, and is hereby, directed to change the records of the Commission to show that Harley Keeter, Jr., doing business as "Harley Keeter Trucking," is the owner and operator of PUC No. 4660-I, with the following authority, to-wit:

INTERSTATE AUTHORITY: 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.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 7th day of May, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE BURIAL CASES AND WINE FOR ACCOUNT)
OF HARP TRANSPORTATION LINE, INC.,) CASE NO. 1585
d/b/a HARP TRANSPORTATION LINE)
-----)

May 6, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 5, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, for account of Harp Transportation Line, Inc., d/b/a Harp Transportation Line, Certificate No. 152 & I, filed revised pages as set forth in Appendix "A" attached hereto, published to become effective May 13, 1968, naming reduced rates and charges applicable to burial cases (caskets or coffins) and wine, released to a value of \$1.15 per gallon.

The current applicable rates for the transportation of the commodities involved herein are on a class basis. Immediately prior to the class rate basis, the carrier had in effect specific commodity items published in its individual tariff Colorado PUC No. 1, which was canceled effective March 27, 1968. The following illustrates these changes:

RATES IN CENTS PER 100 POUNDS			
CANCELED	CLASS		PROPOSED
RATES	RATES		RATES
PUC NO. 1	CMCA TARIFF 12-A, PUC 11		
BURIAL CASES: -	CLASS 200 (B)		
DENVER TO MEEKER 3.18	7.04		4.44
WINE: -	CLASS 150 (B)		
DENVER TO MEEKER 1.75	5.31		2.33
	CLASS 100 (B)		
	3.57		
DENVER TO RANGELY 1.93	CLASS 150 (B)		2.69
	5.79		
	CLASS 100 (B)		
	3.89		

CMCA INDICATES COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT

(B) INDICATES SHIPMENTS WEIGHING LESS THAN 1,000 POUNDS. NATIONAL MOTOR FREIGHT CLASSIFICATION A-9, COLORADO PUC No. 6, INDEX 38900 - BURIAL CASES (CASKETS OR COFFINS) OR CASKET SHELLS, NO1, S U IN BOXES. THE LESS-THAN-TRUCKLOAD RATING IS 200.

INDEX 111510 - WINE - SUB 1 - IN GLASS IN WICKER BASKETS, COVERS SEALED, THE LESS-THAN-TRUCKLOAD RATING IS 150. SUB 2 - IN CONTAINERS IN BARRELS OR BOXES, SEE NOTE, ITEM 111452, IN PACKAGES 1342, OR IN BULK IN BARRELS. THE LESS-THAN-TRUCKLOAD RATING IS 100.

By the addition of Route No. 122 to the involved items, and cancellation of its individual tariff, Harp Transportation Line will now be competitive on a single line movement with a joint line movement between Rio Grande Motor Way, Inc., and itself. *(Rio Grande Motor Way, Inc., Rifle, Colorado, and Harp Transportation Line beyond). Other specific commodity items in Harp's Colorado PUC No. 1, as canceled on March 27, 1968, will be on a similar competitive basis. The annual report filed for the period ending December 31, 1967, reflects an operating ratio of 99.11 percent.

Mr. Bern H. Harp, in a letter to the Commission dated April 26, 1968, states: --

"The rates for which we are asking to become a party to are already in effect. We do have the authority to haul these particular items on a through traffic movement on our own line, rather than on an interline basis.

"We feel that by being able to move these particular items on our own line will improve our profit picture."

Since the proponent carrier has elected to bring its rates into conformity with the current rates applicable to other points for similar distances and operating conditions, and to improve its financial operating condition, the Commission 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.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and they are hereby, 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 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 May 13, 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) percent.

6. That on and after May 13, 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) percent.


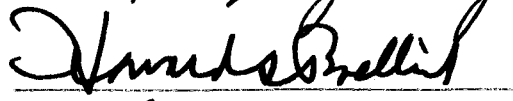

7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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
6th day of May, 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)

ISSUED APRIL 5, 1968
 EFFECTIVE MAY 13, 1968

SECTION NO. 2
 COMMODITY RATES
 (FOR APPLICATION, SEE PAGE NO. 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)					
ITEM No.	COMMODITY	FROM	TO	RATES	ROUTE No.
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	(EXCEPT AS NOTED IN INDIVIDUAL ITEMS)			

5TH REVISED PAGE NO. 195-B

BURIAL CASES (CASKETS OR COFFINS) OR CASKET SHELLS, NOI, SET-UP.		DENVER, COLO.	SEE BELOW	SEE BELOW	
TO	COLORADO	RATE	ROUTE No.	TO	COLORADO
	ALAMOSA	408	87		GUNNISON
	ASPEN	423	87		HOTCHKISS
	BOULDER	187	49		IDAHO SPRINGS
	BUENA VISTA	348	87		LEADVILLE
	CANON CITY	257	87		LONGMONT
	CORTEZ	554	87		LOVELAND
	CRAIG	423	25		MANASSA
1386	DEL NORTE	425	87		MEEKER
	DELTA	484	87		(R) 122
	DURANGO	516	87		MONTE VISTA
	EAGLE	358	87		MONTROSE
	FAIRPLAY	302	21		OURAY
	FLORENCE	260	87		PAGOSA SPRINGS
	FT. COLLINS	222	158		PAONIA
	FRUITA	471	87		RIFLE
	GLENWOOD SPRINGS	387	87		SALIDA
	GRAND JUNCTION	460	87		SILVERTON
					STEAMBOAT SPRINGS

- ROUTE No. 41 - RIO GRANDE MOTOR WAY, INC., MONTROSE, COLORADO, ORVILLE DUNLAP & SON.
- ROUTE No. 49 - BOULDER-DENVER TRUCK LINE - DIRECT
- ROUTE No. 68 - RIO GRANDE MOTOR WAY, INC., ALAMOSA, COLORADO, CREEDE BUS & FREIGHT LINE
- ROUTE No. 87 - RIO GRANDE MOTOR WAY, INC., - DIRECT
- ROUTE No. 94 - RIO GRANDE MOTOR WAY, INC., GRAND JUNCTION OR MONTROSE, TELLURIDE TRANSFER
- ROUTE No. 100 - RIO GRANDE MOTOR WAY, INC., RIFLE, COLORADO, HARP TRANSPORTATION LINE
- ROUTE No. 122 - HARP TRANSPORTATION LINE - DIRECT
- ROUTE No. 134 - RIO GRANDE MOTOR WAY, INC., GUNNISON, CRESTED BUTTE TRUCK LINE
- ROUTE No. 158 - DENVER-LARAMIE-WALDEN TRUCK LINE, INC., - DIRECT
- ROUTE No. 172 - RIO GRANDE MOTOR WAY, INC., DURANGO, GARRETT FREIGHT LINES, INC.

(SEE PAGE 2A FOR OTHER ROUTE LISTING.)

SECTION NO. 2
COMMODITY RATES
(FOR APPLICATION, SEE PAGE 190 OF TARIFF)

RATES ARE IN CENTS PER 100 POUNDS (UNLESS OTHERWISE STATED)

ITEM No.	COMMODITY	FROM	TO	RATES	ROUTE No.
	COMMODITIES IN THE SAME ITEM MAY BE SHIPPED IN STRAIGHT OR MIXED TRUCK LOADS.	(EXCEPT AS NOTED IN INDIVIDUAL ITEMS)			

4TH REVISED PAGE No. 242-A

WINE, RELEASED TO A VALUE OF \$1.15 PER GALLON.

APPLICATION OF RATES AT INTERMEDIATE POINTS:
2754 AT POINTS NOT SPECIFICALLY NAMED, APPLY THE RATE TO THE NEXT MORE DISTANT POINT. SUCH POINTS MUST BE DIRECTLY INTERMEDIATE BETWEEN THE ORIGIN AND DESTINATION POINT WHICH IS BEING USED FOR THE APPLICATION OF RATES.

	TO COLORADO		RATES FROM DENVER	ROUTE No.	RATES FROM PUEBLO	ROUTE No.
	ALAMOSA		215	87	187	87	87
ANTONITO		231	87	198	87	87
ASPEN		238	87	249	87	87
BAYFIELD		259	87	235	87	87
BUENA VISTA		201	87	201	87	87
CANONE		288	172	--	--	--
CANON CITY		158	87	124	87	87
CENTER		222	87	198	87	87
CORTEZ		285	87	261	87	87
CRAIG		227	25	263	100	100
CREEDE		239	68	214	68	68
CRESTED BUTTE		238	134	212	134	134
DEL NORTE		225	87	198	87	87
DELTA		257	87	257	87	87
DOLORES		261	172	263	172	172
DOVE CREEK		289	172	268	172	172
DURANGO		265	87	243	87	87
FT. GARLAND		208	87	177	87	87
GLENWOOD SPRINGS		227	87	235	87	87
GRAND JUNCTION		257	87	257	87	87
GUNNISON		227	87	202	87	87
HAYDEN		219	25	--	--	--
HOTCHKISS		261	87	261	87	87
IGNACIO		269	87	242	87	87
LEADVILLE		201	87	201	87	87
MACK		257	87	257	87	87
MANCOS		285	87	--	--	--
MEEKER		233	100;	256	100	100
MINTURN		214	(R) 122	214	87	87
MONTE VISTA		225	87	191	87	87
MONTROSE		257	87	257	87	87
NATURITA		303	41	295	41	41
NORWOOD		292	41	284	41	41
NUCLA		303	41	295	41	41
OAK CREEK		208	25	--	--	--
OURAY		258	87	258	87	87
PAGOSA SPRINGS		258	87	229	87	87
PAONIA		261	87	261	87	87
PONCHA SPRINGS		212	87	183	87	87
RANGELY		269	100;	273	100	100
			(R) 122			
REDSTONE		244	87	249	87	87
RIFLE		239	87	244	87	87
SAGUACHE		214	87	196	87	87
SALIDA		196	87	172	87	87
SAN LUIS		214	23	183	23	23
SILVERTON		295	87	287	87	87
SOUTH FORK		231	87	204	87	87
STEAMBOAT SPRINGS		211	25	--	--	--
TELLURIDE		292	94	284	94	94
TEXAS CREEK		186	87	158	87	87
URAVAN		270	41	263	41	41
WOLCOTT		214	87	219	87	87

(R) DENOTES ADDITION

(R) DENOTES REDUCTION

- ROUTE No. 12 - DENVER-LOVELAND TRANSPORTATION, INC., - DIRECT
- ROUTE No. 21 - SOUTH PARK MOTOR LINES - DIRECT
- ROUTE No. 23 - RIO GRANDE MOTOR WAY, INC., FORT GARLAND, COLORADO, TAOS INTERSTATE EXPRESS
- ROUTE No. 25 - LARSON TRANSPORTATION COMPANY - DIRECT
- ROUTE No. 28 - EDSON EXPRESS, INC., - DIRECT
- ROUTE No. 30 - DENVER-CLIMAX TRUCK LINE, INC., - DIRECT

(CONT'D ON PAGE 1A)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MURPH'S EXPRESS, INC., 1401 ZUNI)
STREET, DENVER, COLORADO, FOR)
AUTHORIZATION TO EXTEND OPERATIONS)
UNDER PERMIT NO. B-3669.)

APPLICATION NO. 23078-PP-Extension

May 7, 1968

Appearances: Leslie R. Kehl, Esq., Denver,
Colorado, for Applicant;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Larson Trans-
portation, Inc., Protestants;
Joseph F. Nigro, Esq., Denver,
Colorado, for Acme Delivery
Service, Inc., and Thomas &
Son Transfer, Protestants;
William A. Wilson, Esq., Denver,
Colorado, for Decker Trash
Disposal Corp., et al, for
Copy of Order.

S T A T E M E N T

BY THE COMMISSION:

On March 1, 1968, the above-entitled application was filed by Murph's Express, Inc., (herein "Applicant") requesting authority to extend its motor vehicle operations under Permit No. B-3669 in the precise manner as fully set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was heard by Commissioner Edwin R. Lundborg at the time and place set forth in the Notice of Hearing.

At the commencement of the hearing, Applicant moved to amend its application as filed to seek the following transportation authority:

- (1) Household appliances from points within a 15-mile radius of Colfax and Broadway, Denver, Colorado, to the original construction sites of dwellings having in excess of seven units located in the State of Colorado; restricted, however, to shippers who are contractor customers of Westinghouse Appliance Sales and Service Company, General Electric Company and Hotpoint, a Division of General

Electric; and further restricted to transportation which requires the installation by the carrier of all said appliances.

(2) Crating, packing and refuse from original construction sites, as specified in paragraph (1) hereof, to dumps; restricted, however, to such commodities resulting from the installation of household appliances by the carrier.

All parties appearing at the hearing agreed to the amendment as proposed. Therefore, said amendment, which was restrictive in nature, was allowed. In view of the amendment, all Protestants of record, as above indicated, save and except Acme Delivery Service, Inc., accordingly withdrew their protest to the granting of the authority as sought.

Applicant is presently operating pursuant to authority granted by this Commission in Certificate of Public Convenience PUC No. 3473 and in Private Carrier Permit No. B-3669. Under its present private carrier authority, Applicant performs a service similar to that as herein proposed in that it performs an installation service in conjunction with the transportation of household appliances.

The application was supported by the General Electric Company. This Company distributes household appliances from its location in Denver to all major population centers in the State of Colorado. On distribution to contractor customers, it requires that the appliances be installed and, in the past, it has fully utilized the services of the Applicant under its existing authority to provide this specialized type of service.

Acme Delivery Service, Inc. has offered the General Electric Company service in the past; however, since the personnel of the Applicant has been specially schooled and trained by General Electric, it has not used the service of Acme.

It was stipulated by the herein parties that the witness for Hotpoint, a Division of General Electric Company, and the witness for Westinghouse Appliance Sales and Service Company would testify substantially the same as did the witness for the General Electric Company and that the witness for Westinghouse would state that, although he is familiar with the service

of Acme Delivery Service, Inc., he has not been offered a service which -- in addition to transportation -- would include the installation of a particular appliance.

No protesting testimony was presented; however, official notice was taken of the operating authorities of Acme Delivery Service, Inc., as set forth in Certificate of Public Convenience and Necessity PUC Nos. 509, 2479 and 6891.

F I N D I N G S

THE COMMISSION FINDS:

From the above and foregoing Statement, which by reference is made a part hereof, the Commission, after due and careful consideration of the entire record in this proceeding, is of the opinion, and finds:

1. That Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. That Applicant holds motor vehicle operating authority granted by this Commission under Certificate of Public Convenience and Necessity PUC No. 3473 and Private Carrier Permit No. B-3669 which do not contain any overlapping or duplicating authority.
3. That Applicant's entire operating authority under Permit No. B-3669 should be re-described as hereinafter set forth in the Order following.
4. That Applicant has sufficient equipment, operating experience and net worth, all of which are ample and suitable to conduct the operations as herein sought.
5. That Applicant is familiar with the rules and regulations of the Commission and will abide by said rules and regulations.
6. General Electric Company, Hotpoint, a Division of General Electric Company, and Westinghouse Appliance Sales and Service Company have a distinct and special need for the transportation of household appliances from points within a fifteen (15) mile radius of Colfax and Broadway, Denver, Colorado, to original construction sites of dwellings having in excess of seven (7) units located throughout the State of Colorado. Activity from

Denver, in the past, has been generally limited to the Eastern Slope; however, these companies regularly solicit business throughout the entire state and need the Applicant's proposed service to all points of prospective sales as an aid to accomplishing such sales.

7. That Applicant's proposed service is of a type not generally rendered by common carriers in that the service requires the installation of household appliances which includes the uncrating, removal of shipping blocks, leveling the appliance, positioning the appliance in place in the building and making all necessary and required connections. Following the aforesaid installation, the Applicant is required to remove from the premises all refuse resulting from such installation. Applicant and its supporting shippers will enter into contracts for the performance of such services. No evidence was presented by Protestant, Acme Delivery Service, Inc., to show the availability of this type of service and such service has not been offered to Westinghouse Appliance Sales and Service Company.

8. That Applicant proposes a private carrier service under Colorado statutory definition.

9. That the authority as herein sought will not impair the efficient public service of any authorized motor vehicle common carrier adequately serving the same territory over the same general highway route or routes.

10. That the grant of authority, as hereinafter set forth in the Order following, will be in the public interest.

O R D E R

THE COMMISSION ORDERS:

That Murph's Express, Inc., Denver, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-3669 to include the following:

Transportation of

(1) Household appliances

From points within a fifteen (15) mile radius of Colfax and Broadway, Denver, Colorado, to all points in the State of Colorado.

RESTRICTION:

- (a) Restricted to service to original construction sites of dwellings having in excess of seven (7) units;
 - (b) Restricted to service for shippers who are contract customers of only Westinghouse Appliance Sales and Service Company, General Electric Company and Hotpoint, a Division of General Electric; and
 - (c) Restricted to transportation which requires the installation by the permit-holder of all household appliances.
- (2) Crating, packing and refuse materials

From only original construction sites, as set forth and restricted above, to designated and approved dumps and disposal sites in the State of Colorado.

RESTRICTION:

Restricted, however, to such refuse resulting from the installation of household appliances by the permit-holder herein,

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

That henceforth the full and complete operating authority under Private Carrier Permit No. B-3669, as extended, shall read and be as follows,

to-wit:

Transportation of

- (1) Displays, scaffoldings, goods, wares, and merchandise and electrical supplies

To and from warehouses, wholesale distributors and retailers between points in Denver on the one hand and on the other hand, points within an area not less than ten (10) nor more than fifteen (15) miles of Denver, Colorado, for only the following customers: Colorado Appliance Co., Safeway Steel Scaffolding Co., General Electric Company, E. T. Vonier Inc., and Powers Regulator Co.

RESTRICTION:

- (a) Restricted against service to or from Golden, Boulder, Broomfield, Brighton, Castle Rock and Morrison, State of Colorado.
 - (b) Restricted against service in competition with scheduled line-haul carriers.
- (2) Lawn, garden, agricultural and horticultural materials, equipment and supplies

From points within a ten (10) mile radius of Colfax and Broadway, Denver, Colorado to points in the Counties of Denver, Adams, Arapahoe, Jefferson, Douglas and Boulder, State of Colorado.

RESTRICTION:

- (a) Restricted to service for only Sears-Roebuck Co.
- (b) Restricted against service in competition with Evergreen Freight Line.
- (3) Household appliances

From points within a ten (10) mile radius of Colfax and Broadway, Denver, Colorado to contractors and builders in the Counties of Denver, Adams, Arapahoe, Douglas and Boulder, State of Colorado.

RESTRICTION:

- (a) Restricted to service for only the following-named customers: Western Appliance Corp.; Fred Schmidt Appliance and Television.
- (b) Restricted to shipments which the permit-holder installs or services household appliances at destination.
- (4) Household appliances, furniture, furnishings, fixtures, equipment, musical instruments, sporting goods, building materials, landscaping and horticultural supplies and automotive equipment

From all warehouses and stores of the J. C. Penney Co., situated in the State of Colorado, to only the retail customers and retail stores of said J. C. Penney Co.

RESTRICTION:

- (a) Restricted to shipments which the permit-holder installs or assembles.
- (b) Restricted against service between warehouses of said J. C. Penney Co.
- (c) Restricted against competition with scheduled line-haul common carriers.
- (d) Restricted against service in Huerfano County.
- (5) Household appliances

From points within a fifteen (15) mile radius of Colfax and Broadway, Denver, Colorado, to all points in the State of Colorado.

RESTRICTION:

- (a) Restricted to service to original construction sites of dwellings having in excess of seven (7) units.
- (b) Restricted to service for shippers who are contract customers of only Westinghouse Appliance Sales and Service Company, General Electric Company and Hotpoint, a Division of General Electric.

(c) Restricted to transportation which requires the installation by the permit-holder of all household appliances.

(6) Crating, packing and refuse materials

From only original construction sites, as set forth and restricted above, to designated and approved dumps and disposal sites in the State of Colorado.

RESTRICTION:

Restricted to such refuse resulting from the installation of household appliances by the permit-holder herein.


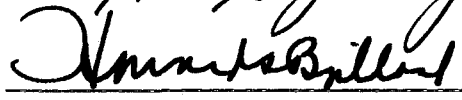

That all operations under Permit No. B-3669 shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit as may be deemed advisable.

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.

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 7th day of May, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF HIGHLINE ELECTRIC ASSOCIATION,)	
HOLYOKE, COLORADO, FOR AUTHORITY)	
TO ISSUE SECURITIES IN PRINCIPAL	)	<u>APPLICATION NO. 23128-SECURITIES</u>
AMOUNT OF \$2,505,000 AND THE)	
APPLICATION OF THE PROCEEDS THERE-)	
FROM FOR CERTAIN SPECIFIED PURPOSES.)	

May 8, 1968

Appearances: Arnold, Ross & Leh, Esqs., by
Baxter W. Arnold, Esq., Sterling,
Colorado for Applicant;
Girts Krumins, Esq., Denver, Colorado,
for the Staff of the Commission;
M. R. Garrison, Denver, Colorado,
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On April 12, 1968, Highline Electric Associaton (Highline), filed with the Commission the above-entitled application for (1) authority to execute an amendment, dated February 20, 1968, to amending loan contract dated October 6, 1965 between Highline Electric Association and The United States of America and setting a maximum which may be borrowed by the Applicant at \$10,933,000; (2) execute a mortgage note for \$2,505,000 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 the date thereof.

The matter was set for hearing, after due notice to all interested persons, firms or corporations, on April 30, 1968 at 10 a.m., in the Hearing Room of the Commission, 507 Columbine Building, Denver, Colorado, and was there heard by Commissioner Lundborg. At the conclusion thereof, the matter was 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 located in the Counties of Logan, Morgan, Phillips, Sedgwick, Washington, Weld and Yuma, all in the State of Colorado.

Applicant's average number of customers as of December 31, 1967 was 4,855.

By Application No. 17431, Highline Electric Association applied for a certificate of public convenience and necessity of its service territory and was granted the same by this Commission under Decision No. 59014 dated July 30, 1962.

The Applicant's witnesses testified summarily as follows:

Highline Electric Association needs the loan funds sought to be approved in this application for improvements to its system and for the construction, completion, expansion and improvement of its properties and for the improvement and maintenance of service and for other lawful purposes. Mr. Lewis Rhodes, President of Highline, identified Applicant's Exhibit A as the form of amendment to the amending loan contract dated February 20, 1968 between Highline and the United States of America; and Exhibit B as the form of the proposed mortgage note between Highline and the United States of America. Exhibit C, cost estimate and loan budget, itemizes the cost of construction for which the proposed loan will be used.

Highline proposes to use the \$2,505,000 from its loan for the construction and installation of the following electric facilities:

Distribution:

57.4 miles single phase pole lines	\$166,032
103 miles three-phase pole lines	635,885
40 miles new tie lines	140,355
65.7 miles conversion and line changes	126,540
New substations, switchers, etc. Amherst, Colo.	76,500
Increase substation capacity Fleming, Holyoke, Lamar and Champion	28,000
778 Transformers and 408 meters to serve new consumers	324,050
100 Transformers, 100 meters and 100 sets of service wires to increase capacity of existing consumer service	45,000
Sectionalizing equipment, regulators and capacitors	18,520
Engineering fees	99,200
Reimbursement of general funds for completed construction	<u>217,593</u>
Total Distribution	\$1,877,675

Transmission:

16 miles 115 KV new transmission lines	\$ 176,000
10 miles 69 KV new transmission lines	80,000
New substations, switching, etc., Sedgwick, Julesburg, and Amherst	279,500
Substation site procurement	3,000
Right of way procurement	13,000
Reimbursement to general funds	8,500
Engineering fees	<u>67,325</u>
Total Transmission	\$ 627,325
Total Cost	<u><u>\$2,505,000</u></u>

The Witness stated that loan funds could not be obtained under such favorable terms for this project from any other source. It is expected that the loan funds will be applied over a two-year period commencing in 1968.

Applicant's witness, Robert R. Goldenstein, manager for Highline Electric Association, identified Applicant's Exhibit D, Operating Statement for the year ending December 31, 1967; Exhibit E, Balance Sheet as of December 31, 1967; Exhibit F, Summary of Long Term Debt as of December 31, 1967; Exhibit G, Summary of Long Term Debt as of March 31, 1968; and Exhibit H, Statement of Patronage Capital as of December 31, 1967.

The Balance Sheet, Exhibit E, shows that Applicant has ample cash funds on hand consisting of Cash - General Funds \$124,151, Temporary investments \$115,000, Restricted funds \$400,000, Other investments

\$160,000 for a total of \$799,151. In addition, Highline has advance payments to the Rural Electrification Administration of \$773,651 as of December 31, 1967. This amounts to approximately three years' advance payments under present debt requirements.

Exhibit D showed patronage capital and margins for the year ended December 31, 1967 at \$157,161. For the same period the depreciation and amortization expense, a non cash item, was \$209,568. The addition of these two figures shows that Highline's approximate cash generation for 1967 was \$366,729.

Highline is current in its payments to the Rural Electrification Administration.

Of a total capitalization of \$6,871,330, Highline's equity is \$1,610,599 or 23.44%.

Exhibit H shows that refunding of capital credits has been completed through 1954, or on a 13-year revolving basis. It is intended that the refunding of capital credits will be placed on a 15-year basis in future years.

Applicant's witness, Mr. Del Hardy, a registered engineer, identified Exhibit I, a two-year construction plan for the Highline Electric Association, and Exhibit J, a financial forecast dated as of December 19, 1967, revised as of April 19, 1968.

The witness stated that several of the substations in the eastern part of the territory are approaching capacity and general demand for Highline has increased by approximately twenty percent (20%) in the past year with irrigation pumping being the single greatest cause of the increase. The new construction has been proposed to meet the present and future demand increases.

Revenue from irrigation pumping represented approximately twenty-five percent (25%) of total revenues in 1967, with 70 pumps added during that period. Irrigation pumping business is expected to increase substantially over the next two years under normal rainfall conditions.

At the present time there are no natural gas pipe lines in the area where most of the projected business and construction is contemplated.

The financial forecast, Exhibit J, shows that cash funds generated in future years, after payments to the REA and the retirement of capital credits on a fifteen-year revolving basis, will at times be in a temporary deficit position. This forecast, as stated earlier, contemplates borrowing the proposed loan funds for construction during the next two years. However, it was explained that Highline would not unnecessarily overburden itself by borrowing funds for building additional facilities if the projected increase in demand did not materialize as expected. A slow down in the scheduled borrowing, with resulting lower repayments to the Rural Electrification Administration, would improve its annual cash margins projection.

Applicant feels that current electric rates are adequate to meet future revenue requirements.

This loan has been approved by the Rural Electrification Administration pending approval by this Commission.

F I N D I N G S

THE COMMISSION FINDS:

That Applicant, Highline Electric Association, 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 Amendment dated February 20, 1968, to the amending loan contract dated October 6, 1965 between Highline Electric Association and The United States of America, Applicant's Exhibit A herein, should be authorized and approved.

That the issuance by Highline Electric Association of a mortgage note in the amount of \$2,505,000, Applicant's Exhibit B in this proceeding,

should be authorized and approved.

That within one hundred twenty (120) days of the execution of the mortgage note for \$2,505,000, authorized herein, the Applicant should file with this Commission one conformed copy of such executed note and one conformed copy of the Amendment dated February 20, 1968 to the amending loan contract dated October 6, 1965 with The United States of America.

That the issuance of the mortgage note in the amount of \$2,505,000 is not inconsistent with the public interest and that the purpose or purposes thereof are permitted by and are consistent with the provisions of Chapter 115, Colorado Revised Statutes, 1963.

O R D E R

THE COMMISSION ORDERS:

That the Amendment dated February 20, 1968 to the Amending Loan Contract dated October 6, 1965 between Highline Electric Association and The United States of America, Applicant's Exhibit A, be and the same is hereby authorized and approved.

That the issuance of a mortgage note for \$2,505,000 by Highline Electric Association to The United States of America, Applicant's 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 \$2,505,000 authorized herein, Highline Electric Association shall file with this Commission one conformed copy of such executed note and one conformed copy of the Amendment dated February 20, 1968 to the Amending Loan Contract dated October 6, 1965 with The United States of America.

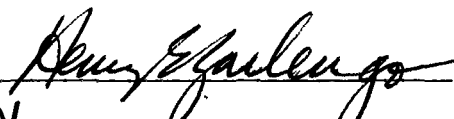
That nothing herein shall be construed to imply any recommendation or guaranty of or any obligation with respect to said issuance of the aforesaid securities on the part of the State of Colorado.

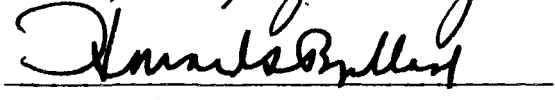
That the Commission retain jurisdiction of these proceedings to the end that it may make such further order or orders in the premises

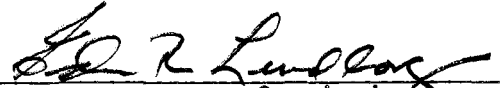
as it may seem necessary and desirable.

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 8th day of May, 1968.
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EASTERN SLOPE RURAL TELEPHONE ASSOCIATION,)
INC., P. O. BOX 397, HUGO, COLORADO, FOR)
AN EXTENSION OF ITS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO FURNISH TELE-)
PHONE COMMUNICATIONS SERVICE IN CERTAIN)
AREAS LOCATED IN ADAMS AND WASHINGTON)
COUNTIES, STATE OF COLORADO, AS MORE FULLY)
SET FORTH IN SAID APPLICATION.)

APPLICATION NO. 23028

SUPPLEMENTAL ORDER

May 8, 1968

Appearances: Robert T. James, Esq., Colorado Springs, Colorado, for Applicant;
Luis D. Rovira, Esq., Denver, Colorado, for Mountain States Telephone and Telegraph Company;
Paul M. Brown, Denver, Colorado;
and
Girts Krumins, Esq., Denver, Colorado, of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On April 18, 1968 this Commission issued its Decision No. 71193 in the above entitled matter. Exhibits A and B are respectively a narrative description and a map of the boundaries of the area for which certification was sought in the order. The ordering portion of the Decision describes in detail the boundary as certificated. Through inadvertance the west half of Section 1 and the east half of Section 2, Township 3 South, Range 55 West, were included in the area to be certificated.

On May 1, 1968 this Commission received a letter request from Counsel for the Applicant herein requesting deletion of these two half sections.

F I N D I N G S

THE COMMISSION FINDS:

The request appears to be reasonable and no subscribers should be adversely affected.

That the request for the deletion of the two half sections should be granted.

O R D E R


THE COMMISSION ORDERS:


That the description contained in the ordering paragraph of Decision No. 71193 should be amended, nunc pro tunc, as of said 18th day of April, 1968, and that the total exterior boundary of the area certificated therein shall be corrected to read as follows:

Commencing at the Southwest corner of the Southeast $\frac{1}{4}$ of Section 20, Township 4 South, Range 55 West; thence running West approximately $7\frac{1}{2}$ miles to the Northwest corner of Section 30, Township 4 South, Range 56 West; thence running North 4 miles to the Northwest corner of Section 6, Township 4 South, Range 56 West; thence running West 2 miles to the Southwest corner of Section 35, Township 3 South, Range 57 West; thence running North 6 miles to the Northwest corner of Section 2, Township 3 South, Range 57 West; thence running East 2 miles to Northeast corner of Section 1, Township 3 South, Range 57 West; thence running 12 miles North to the Northwest corner of Section 6, Township 1 South, Range 56 West; thence running East $10\frac{1}{2}$ miles to the Northeast corner of the Northwest $\frac{1}{4}$ of Section 2, Township 1 South, Range 55 West; thence running South 13 miles to the Southeast corner of the Southwest $\frac{1}{4}$ of Section 2, Township 3 South, Range 55 West; thence East approximately 1 mile to the Northeast corner of the Northwest $\frac{1}{4}$ of Section 12, Township 3 South, Range 55 West; thence South 5 miles to the Southeast corner of the Southwest $\frac{1}{4}$ of Section 36, Township 3 South, Range 55 West; thence West 4 miles to the Northwest corner of the Northeast $\frac{1}{4}$ of Section 5, Township 4 South, Range 55 West; thence South 4 miles to the Southwest corner of the Southeast $\frac{1}{4}$ of Section 20, Township 4 South, Range 55 West, the point of beginning, in Adams and Washington Counties, State of Colorado.

That except as herein amended said Decision No. 71193
shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioner

Dated at Denver, Colorado,
this 8th day of May, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
HUBERT P. SHIRRELL
BOX 382
WALDEN, COLORADO 80480

* * *
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}
}
)

PERMIT NO. B-5226

May 8, 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

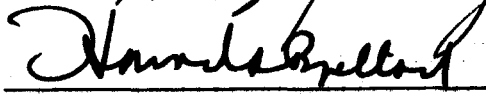
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective May 11, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 8th day of May 1968
1s

(Decision No. 71285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF THE MOUNTAIN STATES TELEPHONE AND TELEGRAPH COMPANY, A CORPORATION, 931 14TH STREET, DENVER, COLORADO, FOR AN ORDER OF THE COMMISSION DETERMINING THE FAIR VALUE OF APPLICANT'S PROPERTY DEVOTED TO THE RENDITION OF INTRASTATE TELEPHONE SERVICE IN COLORADO, A FAIR, REASONABLE, AND ADEQUATE RATE OF RETURN TO BE APPLIED THERETO, AND THE RESULTING AMOUNTS OF NET EARNINGS AND REVENUES REQUIRED IN THE FUTURE; AND, UPON SUCH DETERMINATION BY THE COMMISSION AND THE FILING OF A PROPOSED TARIFF AND ADDITIONAL HEARINGS THEREON, FOR AUTHORITY TO FILE A SCHEDULE OF JUST AND REASONABLE RATES TO PRODUCE THE REQUIRED REVENUES.

APPLICATION NO. 23116

May 8, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The City of Sterling, Colorado, by its City Attorney John F. Edwards, filed a Petition to Intervene 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 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 Petition to Intervene filed by the City of Sterling, Colorado, be, and the same hereby is, granted.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL AIRWAYS, INC., 515 MAJESTIC)
BUILDING, DENVER, COLORADO, FOR)
AUTHORITY TO EXTEND ITS CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. ACS-45.)

APPLICATION NO. 22605-Extension-Amended

May 9, 1968

Appearances: Robert S. Wham, Esq., Denver,
Colorado, and
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for
Applicant;
John F. Mueller, Esq., Denver,
Colorado, for Aspen Airways,
Inc., Protestant;
Howard D. Hicks, Denver, Colorado,
for Denver Chamber of Commerce,
as its interests may appear;
Ray Wilson, Denver, Colorado, of
the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

Vail Airways, Inc. (herein "Applicant") filed an application to extend its present Certificate of Public Convenience and Necessity PUC No. ACS-45 to authorize the transportation by aircraft of passengers and property by operation of scheduled flights between Eagle, Colorado, and airports in the vicinity thereof, and Aspen, Colorado, and airports in the vicinity thereof. Authority was also sought to change, add, or delete schedules on five days' notice at terminal airports. The application was amended to clarify that Applicant seeks authority for scheduled flights between Denver and Aspen, with one-stop service at Eagle, reference to said points is inclusive of airports in the vicinity thereof.

Aspen Airways, Inc. is the sole protestant.

By Commission Order of June 16, 1967, the application was set for hearing on August 20, 1967. Protestant moved for a continuance. By agreement

of the parties herein, hearings were held on August 28, 1967 and September 14, 1967, in Denver, Colorado and on September 12 and 13, 1967, in Aspen, Colorado, with Chairman Henry E. Zarlengo presiding at all sessions.

A. APPLICANT AND ITS PROPOSAL

T. Don Gray, Applicant's President, and Gordon F. Autry, Applicant's Vice President and Director of Operations, testified on behalf of Applicant in order to explain its operations and its proposal. Mr. Gray is active in the accounting and administration of the Applicant. Mr. Autry has been a pilot for 14 years, and throughout that time has given flight instructions, piloted corporate aircraft, and managed charter services.

The Applicant and R.M.A., Inc. are commonly controlled by Ken R. White Company. R.M.A., Inc., a holding company, leases aircraft exclusively to the applicant, and the Applicant performs transportation services for the public.

The Applicant owns and operates Certificate of Public Convenience and Necessity PUC No. AC-45, which authorizes common carrier service by airplane, in interstate and intrastate commerce, for the transportation of passengers and their baggage and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, with an office at Denver, Colorado, and airports within a radius of 15 miles of Denver, without the right to establish an office or branch for the purpose of developing business at any town or place other than Eagle and Vail and airports located within Eagle or Summit Counties within a 35-mile radius of Vail. Under Certificate of Public Convenience and Necessity PUC No. ACS-45, Applicant is similarly authorized to provide common carrier transportation by fixed-wing aircraft, on permanent scheduled service, of passengers and property, between Denver, and airports in the vicinity thereof, on the one hand, and Eagle, and airports in the vicinity thereof, on the other hand. The Applicant received this scheduled service authority for one year on February 14, 1966, and corresponding permanent authority on June 7, 1967.

Under its authority from this Commission, Applicant provides scheduled service between Denver and Vail. During the winter months, four daily schedules are operated. These scheduled flights land at the existing airport in Eagle. At said airport, a limousine meets the plane and takes the passengers and property to Vail. The limousines are operated by Vail limousine, Inc., a wholly-owned subsidiary of the Applicant. There is no available airport facility at Vail. Eagle is, therefore, the site of the closest one.

The Applicant operates over two general airways. On the direct route, under instrument flight operations rules, the airplane takes off from Denver at Stapleton Field northbound on a 350 degree magnetic course. About two minutes after takeoff, upon clearance, the plane flies on practically a straight line to Eagle. A cruising altitude of 16,000 feet is maintained. An alternate crescent route over Kremmling is also available. The Federal Aviation Administration has approved the direct route for the Applicant's exclusive route. Radar coverage is provided along the entire direct route except for a 15 to 20 mile portion at 16,000 feet. The Applicant is now seeking additional air space capability. At Eagle, if weather conditions so indicate, under the authority of the Federal Aviation Administration, the Applicant can circle west of the Eagle Airport for safer landings.

In its scheduled service, the Applicant operates two Aero-Commander 500-B airplanes which are powered by twin engines, seat six passengers, and are considered high performance-high altitude craft. Another Aero-Commander is used for call-and-demand service. The scheduled service aircraft are equipped with de-icing and navigation equipment and superchargers on the engines.

The Applicant intends to add another Aero-Commander -- during the 1967-1968 winter -- for both scheduled and call-and-demand service. It has a delivery date -- October to December, 1968 -- for a Beechcraft "99 Airliner", described as a new concept and exactly what is needed in the involved service area. This plane, designed for commuter-type use, has a 17 place capacity and is fitted with specially ordered turbo-prop engines with an extra 50 percent

horsepower rating. This craft will be placed in scheduled service. No other carrier serving the involved points owns or has ordered this new type of equipment.

The Applicant works with a variety of navigational and safety aids. Its normal route, except for 15 or 20 miles, is covered by radar. Low frequency navigation equipment has been bought by Applicant and installed at the Eagle Airport because it fits the type of terrain. VHF and omni station equipment is also used. The route, as described above, has been approved by the Federal Aviation Administration for the Applicant's instrument flight capability. Flight plans are routinely filed in the use of this route. Although oxygen equipment is rarely used, it is available in compliance with Federal regulations. Presently, Applicant contracts its maintenance work with Combs Aviation. Approval is being sought for a progressive maintenance program which entails more frequent, but less time consuming inspections. Applicant considers this type of maintenance procedure to be more conducive to scheduled air service.

The Applicant maintains facilities at Stapleton Airport -- described as the eighth busiest in the nation -- which has every conceivable aviation facility: e.g., the finest lighting systems, modern runways, and a new terminal. The Applicant has received exclusive use of two gates located approximately 200 feet from the ticketing area. The ticket counter, with baggage weigh-in facilities, is approximately 50 feet from the main baggage carousels from which comes 90 percent of the baggage tendered to the Applicant. Managerial offices are located so that management personnel can oversee actual operations. A new baggage holding area to safeguard 1500 to 2000 pounds of baggage is now under construction.

At Eagle, Applicant has converted a trailer into a lounge to accommodate 15 to 25 persons. Storage space is maintained for 800 gallons of fuel. During the 1967-1968 season, a full-time employee will be stationed there. During the summer of 1967, a new runway and a lighting system were installed.

At Aspen, the Applicant has made arrangements with the Aspen Airport Association to add an extension to an existing building for its terminal; to acquire gate arrangements; and to provide facilities for minor repairs. Full time personnel for baggage handling and ticketing will be maintained.

Two qualified pilots are employed. One has 12,000 hours experience and the other has 8,000 hours. Their entire experience has been in the type of aircraft that Applicant flies. An additional full-time captain will be hired. For call-and-demand work, qualified part-time pilots are utilized. Ground personnel consists of a full-time secretary and a counter girl in Denver.

To facilitate passenger interlining, the Applicant has federally approved through-ticketing arrangements with United Air Lines and pending approval for similar agreements with Trans-World Airlines. Continental Airlines has also suggested this type arrangement.

The Applicant and R.M.A., Inc., the commonly controlled leasing corporation, have combined total assets of \$295,976.64. Of that amount, \$162,968.48 represents the value of aircraft. Their combined net worth, which includes capital stock and retained earnings, equals \$119,773.38.

As for experience in operations between Aspen and Denver, the Applicant, during 1967, provided scheduled flights for the Protestant, under Protestant's authority, pursuant to an agreement on file with the Federal Aviation Administration. The scheduled flights were designed to move passengers and property when the Protestant had an overflow or did not operate its large equipment in its scheduled service. During the first five months of 1967, the Applicant made 56 scheduled trips between Aspen and Denver, transporting 274 passengers. When the Protestant received a Certificate of Public Convenience and Necessity from the Civil Aeronautics Board, federal regulations required the termination of this arrangement. During the same period, the Applicant provided 66 charter trips between Denver and Aspen, transporting a total of 162 passengers. This service constituted an addition to the minimum of two and maximum of four round-trips per day between Denver and Eagle.

Basically, the Applicant proposes a scheduled service between Denver and Aspen with a stop at Eagle for service to Vail. The Applicant understands that the points of Aspen and Vail rely very heavily on the ski industry and tourism for their economic well being. It also understands that the demand for transportation to Vail and Aspen is seasonal, with a peak during the winter months. Vail was considered by the Applicant to be more seasonal than Aspen. The Applicant has made a study of the economic feasibility of the proposal. During the 1966-1967 winter, the Applicant, in its first full season of operation, carried slightly more than 1100 people. The projected increase for the 1967-1968 winter was 400 percent, based upon, among other things, exposure to the market and increased promotion.

Under its proposal, the Applicant would fly not less than two flights per day, i.e., one in the morning and one in the evening, on a year-round basis. During the peak season, December 15 to April 15, no less than four round-trip flights would be operated daily. Two aircraft would be simultaneously dispatched in opposite directions -- one from Aspen and one from Denver -- and both would arrive at Eagle at the same time so that the passengers from both Aspen and Denver could take the same limousine bus schedules from Eagle to Vail. Each schedule would then fly to its destination. The Aero-Commanders and the Beechcraft airplanes would be used. The passengers would be able to connect at Denver with trunklines. The fare from Denver to Aspen would be \$23.20, based upon a rate of 16 cents per mile. The elapsed flight time between Denver and Aspen, including the stop at Eagle, would be approximately one hour and ten minutes. The Applicant intends to use the airport facilities and navigational aids at Denver, Eagle, and Aspen, as referred to above.

The scheduled time between Eagle and Aspen would be 15 minutes and the proposed initial fare would be \$6.10. With limousine, the total cost between Vail and Aspen would be less than \$10.00.

Applicant will also attempt to inaugurate a limousine service between Eagle and Aspen. This will enable flight operations to Eagle with the

passengers then going on to Aspen by limousine and vice versa. Similarly, on days when the Aspen airport is closed by weather, the Aspen passengers would be able to go to and from Eagle by limousine. The Eagle airport is approved for both instrument and night operation; whereas, the Aspen airport is not.

The Applicant takes the position that its proposed service between Denver and Aspen, with a stop at Eagle, is only marginally competitive with the non-stop service offered by the Protestant between Denver and Aspen. Non-stop service takes approximately 45 minutes; whereas, the Applicant's one-stop service requires an hour and ten minutes with an additional landing and take-off at Eagle. The Applicant believes that the average prospective passenger would naturally gravitate to the carrier offering the quickest arrival time and the least time in transit. Since the Applicant's service will take significantly longer, and with the additional landing and takeoff, passengers would use the Protestant's service, if possible, thereby eliminating the direct competitive effect. Finally, the Applicant seeks authority to add or cancel scheduled flights on five days' public notice because of the substantial fluctuation in traffic peaks which occur during the winter season at various periods. Reduced notice time would permit adjustment of schedules more efficiently to accommodate the public demand.

B. SUPPORTING WITNESSES

United Air Lines, a major coast-to-coast trunk carrier, was represented by Don Fowler, the Company's area Sales and Service Manager. United has committed approximately one million dollars to the promotion of the ski trade in this State. Its ski traffic from outside Colorado to Colorado areas has shown a rapid growth from 11,000 skiers in 1962 to 70,000 skiers during the 1966-1967 winter, and a projected growth of 80,000 for the 1967-1968 winter period. Ninety percent of these travelers went to Vail or Aspen for skiing. United is emphasizing a 14-day ski package which would permit the customer to ski at both Vail and Aspen. This would necessitate suitable transportation service between those areas, as well

as linking the same with Denver, the connecting point. This type of recreation is parallel to the vacation packages sold for European areas. This plan is to make Colorado ski resorts competitive with Europe. The key factor is the inclusion of two or more major ski resorts for the skier to visit. If the Applicant is authorized to serve between Vail and Aspen, United would include this transportation feature in its brochures and directories that are distributed to the travel industry. The greatest portion of people who come to Denver by air transportation use surface transportation between Denver and their resort area because of the lack of available air seats. However, there is no exact numerical data concerning the shortage of space on Protestant's aircraft.

The Eagle County Development Corporation was represented by L. Douglas Hoyt, the Corporation President. This corporation is engaged in the real estate business and in the subdividing of the Gore Valley. Vail is located in the Gore Valley. Maps were produced to indicate the nature and extent of the substantial land subdivision which is taking place at the Vail Recreation Area. 95% of all structures, whether constructed as private residences or condominiums, are purchased by private owners who, in return, then make the same available for rental. The available rental market consists of vacationers. Shown was the community of interest linking Aspen and Vail. Both towns seek the vacationer, and the vacationer tends to visit both areas. The transit time for surface transportation between Aspen and Vail can vary between two and eleven hours -- all depending upon weather conditions. Exemplifying the growth of Vail, this company presently has subdivided to accommodate 640 persons, and, by 1978, a capacity of 1580 persons is available. Its subdivisions represent less than 1/30 of the total valley's capacity. The ski and mountain recreation industry ranks third or fourth among all the industries in the State. A grant of the application would be desirable because a need exists for the proposed service. Finally, this company's recent flurry of business activity has necessitated business trips between Aspen and Vail for which air transportation is needed and would have been used.

Lesley A. Gross, a Denver, Colorado, attorney, averages approximately two trips per month between Denver and Aspen in his business. He presently makes these trips by car because of previous unhappy experiences with the Protestant's service. Protestant does not accept credit cards -- as do other airlines -- and that, since a relatively recent Protestant management change, its service has deteriorated. He objected to the Protestant's lack of candor when called upon to state whether a flight would actually leave or be cancelled. On one occasion, he arrived at the airport, but the flight did not leave and the Protestant explained that this was necessary because the pilots were "out of hours". On this flight he had a reservation. He estimated that he had similar trouble approximately 25 percent of the times that he attempted to use the Protestant's service. He would use the Applicant's service if the instant application is granted.

A. C. Bainbridge, an Aspen resident for four years, is the marketing director of the Aspen Skiing Corporation. His duties focus on promotion and advertising his corporation's services. The Aspen area has 16 ski lifts and 200 miles of ski trails. During the 1966-1967 winter, 14,000 skiers per hour could be moved up the slopes by ski lifts. This figure will increase by an additional 5500 per hour in 1968 because of the opening of an area called "Snowmass-at-Aspen." During the 1966-1967 season, the corporation's records showed approximately 329,883 skier-days. This would indicate that approximately 40,000 skiers visited the Aspen area. Projections for 1967-1968 show an increase of 10,000 to 15,000 skiers and 60,000 skier-days. Three additional lodges have been constructed at Aspen, exclusive of Snowmass. Recent concentration on summer tourism has been a part of the corporation's program. There is no train service available between Aspen and Vail and bus service is not suitable. The air transportation proposed by the Applicant between Aspen and Vail will be useful.

Richard A. Parker owns and operates the Aspen Travel Service. His business has shown substantial increases over the past few years. It books space on the Protestant's lines. During the 1966-1967 winter, there were

approximately 200 failures to acquire confirmed space on the Protestant's lines. When this situation happens, Aspen Travel Service loses commissions otherwise available from selling tickets. It was a daily occurrence, during the winter season, for passengers to stay additional nights awaiting a later flight for want of space on the desired flight. Passengers may even have to wait up to three days for flight service. There have also been instances of passengers with confirmed reservations on schedules which the Protestant had indefinitely discontinued altogether. Other passengers had complained about flight cancellations of which the Protestant had given no notice to the passengers. During May of 1967, a flight was cancelled because the crew had run out of available flying time. Not infrequently during the peak periods, the Protestant loses passengers' baggage. The Aspen Travel Service begins selling winter travel arrangements in early September; however, Protestant, at that time, does not have its winter schedule published which hampers the Aspen Travel Service. Protestant is more often sold out than the connecting carriers at Denver. The customers of this company generally prefer non-stop service to one-stop service.

Edward Morse is the President of the Aspen Chamber and Visitors Bureau which accommodates tourists coming to Aspen. It has 189 to 190 members. This Bureau passed a formal resolution in support of the instant application because it had received complaints from tourists and skiers sufficient in number to warrant the support of additional service. The new ski complexes at Aspen and Snowmass represents a \$75,000,000 development. Because of the increase of facilities at Aspen, the Protestant would not suffer any loss of total passengers carried. The daughter of Mr. Morse attempted to use the facilities of the Protestant. She had a confirmed reservation, but her reservation at the time of flight was given to another person. On the morning of the hearing, a lady came into his office whose baggage had been lost on the Protestant's route. Forty-eight (48) hours prior to testifying, two other people approached him with complaints concerning cancelled flights. Mr. Morse wrote a letter to the Federal Aviation Agency complaining about the Protestant's shortcomings. Finally, a one-stop service at Eagle would provide for shuttle

service between Vail and Aspen. This would not injure the Protestant because, if possible, a passenger would take its direct non-stop flight before using the Applicant's one-stop flight.

Dr. Robert Barnard is the Mayor of Aspen. Aspen's permanent population is 1200 and is on the increase. The Aspen City Council passed a resolution urging the Commission to consider the flying conditions and seasonal fluctuation inherent in Aspen air traffic and the substantial expansion of facilities necessitating expanded and increasingly efficient air transportation. In the resolution, the City Council fully supported the instant application for scheduled service between Aspen and Eagle and one-stop service between Denver and Aspen. The addition of Snowmass-at-Aspen significantly increased the demand for air transportation above and beyond the 10 percent increase experienced throughout the year in tourists and skiers coming to Aspen. Frequently, a person coming to Aspen for a week will stop at Vail in order to combine both areas into his vacation. The need for increased transportation facilities will be even more pressing, if the proposed abandonment of passenger rail service into Glenwood Springs, Colorado would become an actual fact.

Robert Lowe is the Assistant Project Manager of Snowmass-at-Aspen. This new project is located 7 miles west of the Town of Aspen and 4 miles from the airport. For the 1967-1968 season, five lodges have been constructed with a total of 1400 beds. Regular expansion of 800 to 1000 new beds per year is planned for the next few years. During the 1967-1968 season, 10,000 to 15,000 people are projected to use the Snowmass-at-Aspen facilities. The new facility was developed to attract the skier with above average income, and the type of person who generally uses available air transportation. The management of the new complex considers air transportation to be an essential ingredient to the successful development of this new ski area.

A certified copy of a resolution passed by the Board of County Commissioners of Pitkin County was introduced. The Board refused to express a preference as between the Protestant and the Applicant; however, it urged this Commission to consider weather and flying conditions, seasonal fluctuations, the constantly increasing use and expansion of facilities and the necessity of greatly enlarging available air transportation.

David L. Hopkins is an Aspen architect whose parents had experiences with Protestant's services. His parents had confirmed reservations to leave Aspen for Denver on Saturday morning but, upon arrival at the airport, they were informed that the flight would be delayed until 10:00 A.M. Upon returning to the airport at 10:00 A.M., they were informed that the flight was cancelled. The afternoon flight likewise was cancelled. Then, much later, they were informed that the Sunday morning flight was also cancelled. His parents finally chartered an airplane. It later developed, in this regard, that Protestant had no operable airplane available.

Pat Maddalone is a housewife and resident in Aspen for 38 years. She and her daughter had experiences with Protestant's service. Her daughter attempted in September to book a flight during the Christmas Season to return for the holidays. She was informed that reservations could not be made because winter schedules were not available. Later, when a call was placed for space around the first of November, she was put on a standby basis. In fact, she was unable to get on the plane at all. In August of 1967, her daughter had confirmed reservations, but the flight was cancelled. Notice of the cancellation did not come until midnight of the day of the departure. Had one-stop service between Denver and Aspen been available, it would have been used.

The Vail Resort Association was represented by Rodney E. Slifer. The Association promotes and advertises the facilities at Vail. Vail is located 107 highway miles from Denver and 102 Highway miles from Aspen. It has a total of 2500 beds for vacationers. 1967 expansion amounted to 500 beds. In the 1962-1963 season, it had 60,000 skier-days and, in 1966-1967, it had 238,000 to 240,000 skier days. To these figures another 15 percent must be added to account for the visitors at Vail who do not ski. To alleviate the imbalance between the summer season and the winter season, the Association is promoting tennis, golf, fishing, and hunting. During the next few years, the present ski lift capacity will be doubled. The Association recommends to the skiers -- 55 percent of whom arrive from points outside the State of Colorado -- that they visit both Aspen and Vail. A community

of interest exists between these two resorts. The Association considers the Applicant's proposal to be of material help to the development of the Vail facilities.

King Woodward is the Manager of the Aspen Institute for Humanistic Studies. It conducts programs and seminars for the education of leaders and top executives from various walks of life. The Institute conducts two winter programs and five summer programs. It is responsible for an influx of 900 to 1500 people per year who prefer air transportation if available. The Institute has resorted to arranging the use of rented cars and chartered airplanes for the accommodation of its visitors because of the want of space and connecting schedules from the Protestant. The impending potential loss of rail passenger service into Glenwood Springs may add to the number of potential air passengers.

F. Gaynor Miller owns the Nightlatch Lodge at Vail and is also a ski instructor. His patrons generally visit both Aspen and Vail on their ski vacations. His clientele is of the class and type that prefers to use air transportation. Applicant's proposal will aid his patrons in reaching Vail and Aspen.

Joseph Stauffer is the General Manager of Manor Vail Corporation which erects condominium complexes. Twenty-four new condominiums are under construction. A 300-bed capacity has been reached. His company's condominiums rent for approximately \$85.00 per day. Prospective tenants and vacationers generally use air transportation. A 100 percent increase is expected in the area of group and convention visitors. Vail and Aspen are towns with a community of interest in attracting the visitor from out of state. Applicant's proposal for service between Aspen and Vail would prove useful.

Charles E. Kendall operates Christiania-at-Vail, a ski lodge, and is the Mayor of Vail. The town has a permanent population of 550 to 600 persons. The Board of Trustees of the Town of Vail passed a resolution supporting the Applicant's proposal to provide scheduled service between Eagle and Aspen as an extension of its presently existing scheduled authority. The resolution

states that this service would materially help the traveling public and benefit the resort areas of Vail and Aspen which, in their expansion, will require rapid and efficient transportation for thousands of new visitors yearly.

Charles Patterson, the owner of the Boomerang Lodge, Aspen, Colorado, is President of the Aspen Lodging Association and a member of the Board of Directors of the Aspen Chamber and Visitors Bureau. The Aspen Lodging Association has 52 members. Lodge guests ask for assistance in arranging transportation when reservations to leave Aspen cannot be obtained on Protestant's lines. Many guests are left stranded in Aspen at times when the lodges are full and schedules of the Protestant are cancelled and reservations cannot be made. This situation creates a bottleneck in Aspen which the Applicant's proposal can solve. Moreover, on days when planes cannot land or take off from the Aspen Airfield, a limousine could be used between Aspen and Eagle. At Eagle, a passenger could use the Applicant's scheduled service to Denver. 50 to 65 percent of the Protestant's cancellations are due to weather conditions.

Harry Green, Manager of the Nugget Lodge at Aspen, supports the application in order to get more flights between Denver and Aspen and to permit customers to visit both Aspen and Vail. The combination of limousine service between Aspen and Eagle, and air service between Eagle and Denver, would permit night service between Aspen and Denver. Night service from the Aspen Airport is not available. The Nugget Lodge has 31 rooms and a capacity for 100 guests. It frequently assists guests who cannot get air transportation out of Aspen. Patrons are forced to remain in Aspen when the Protestant will not fly or when they cannot get reservations on Protestant's booked flights.

Steen Gantzel is the Manager of Christiania-of-Aspen which is a lodge with 18 units. Its peak season is from December 15 to April 1. However, a substantial summer season runs from June 15 until Labor Day. A significant number of lodge clients must be aided at times when they cannot get reservations on Aspen Airways. Limousine service from Aspen to Eagle,

in order to connect with air service between Eagle and Denver, would alleviate part of the problem arising from the want of night service from and to the Aspen airport. The main problem centers around the difficulties in flying from Denver to Aspen.

James Gray operates the Smuggler Lodge at Aspen which has 36 units. When unable to get reservations, or upon cancelled flights, guests seek his aid in arranging for transportation. Some call from Denver in order to move from Denver to Aspen. During 1967, 15 guests could not get into Aspen because of weather conditions or Protestant's fully-booked schedules. An important factor, in the Applicant's proposal, is the combination of limousine service between Eagle and Aspen with air service between Eagle and Denver. This factor would enable patrons to move between Aspen and Denver during periods of inclement weather or darkness.

William Goodnough is the owner of the Snowflake Lodge and Apartments at Aspen. Its guests frequently seek means to depart Aspen because of inability to use the Protestant's services. During the peak season, guests find difficulty in renting cars. Twice during the last season, it tried and failed to arrange alternate transportation for guests who had been stranded because of the Protestant's services. Although Mr. Goodnough could not translate his recollections into mathematical terms, transportation problems did, however, occur with the Protestant enough times to be remembered. Services between Aspen and Vail do not meet the requirements of vacationers who want to visit both places. A need for more air seats exists between Denver and Aspen. Three out of every 10 guests are examples of transportation problems arising from the inability to secure reservations with the Protestant or cancellation of flights by the Protestant.

By stipulation, it was agreed that the testimony of the following individuals would be substantially the same as that of the immediately preceding lodge owners: Ronald Tighe, operator of the Blue Spruce Ski Lodge; Patrick Henry, of the Prospector Lodge; and John Hewey, of the Aspen Alps Condominiums Association.

C. THE PROTESTANT

The Protestant owns and operates under Certificate of Public Convenience and Necessity PUC No. AC-25 and ACS-25. It is authorized to perform call and demand service between all points in the State of Colorado. As pertinent, its scheduled common carrier authority embraces the transportation of passengers and property between Aspen and Denver, and airports within the vicinity of each point. It holds interstate authority from the Civil Aeronautics Board to engage in air transportation of persons, property and mail between the terminal point of Denver and the terminal point of Aspen. It is not authorized to provide scheduled service to Vail.

The Protestant owns two Douglas DC-3 aircraft. Each has a seating capacity of 26. At the time of the hearing, one of these units had been out of service because of mechanical failures, and had not been repaired for approximately thirty days. Protestant also owns a Fairchild F-27 which it formerly operated but which is now on a five-year lease to another airline^{1/}. No firm decision has been made concerning the aircraft to be operated during the 1967-1968 season. It was considering the acquisition of another F-27, or a comparable airplane^{2/}.

At Denver, the Protestant leases counter space and a gate from United Air Lines. It also leases ramp space on which it stores its equipment. It has plans for obtaining a new hangar and office at Denver. Its reservations and confirmations are made through United Air Lines at Denver. At Aspen, it has a terminal with a waiting room for 40 persons, a hangar, and an apartment. It also maintains necessary communications equipment at Aspen. It does its own maintenance work at Denver. It employs three pilots and a total of 12 to 15 employees.

The Protestant has published and, at the time of the hearing, had plans to publish its winter flight schedules so that they would be made available to the public on November 1. For the period from December 16, 1966 to

1/ We take official notice that we permitted a \$5.00 fare increase in January, 1967 to assist in operating this airplane.

2/ We officially notice that no such airplane, or comparable, was acquired.

February 15, 1967, the Protestant advertised schedules of three daily flights utilizing the F-27 and two daily flights using the DC-3 from Denver to Aspen. However, the F-27 did not begin operations until December 22, 1966.

Protestant submitted no evidence as to its schedule dependability or as to the number of flights it cancelled for weather, as distinguished from other causes. It is clear, however, that for the first eight days in June, 1967, the published schedule of the Protestant advertised one daily flight from Denver to Aspen and one from Aspen to Denver. From June 9 through July 14, 1967, two daily round trips were advertised. There were, however, no actual operations during June of 1967, except, perhaps, for a non-scheduled charter flight operated by the Applicant. During June of 1967, the Protestant did not have enough crews to stay within the lawful time periods to operate on all its schedules. During July of 1967, the Protestant cancelled 21 flights, of which only 4 were cancelled because of weather. There was no explanation whatever concerning 13 of the cancellations. On the Friday before the hearings in Aspen, a schedule did not operate, and on the following Saturday, no schedule operated because Protestant's aircraft were both mechanically out of service.

There was no testimony concerning the industry average for load factors. This factor is computed by dividing the number of usable seats on an airplane by the number of seats actually occupied on a given flight. However, the load factor for Frontier Airlines is 43.6 percent. The Protestant's load factor for July of 1967 was 59.6 percent; for August of 1967, it was 60 percent; and somewhere between 51.8 and 75.7 percent for March of 1967. The fluctuation in load factors occurred because the total number of usable seats differs on the DC-3 and the F-27 and, because of the fact, the Protestant could not show how frequently each plane was being used. Likewise, during January of 1967, the Protestant's load factor ranged somewhere between 60 percent and 90 percent.

The Protestant asserted that it could not produce any evidence concerning the number of passengers who were actually wait listed and the number of passengers who were unable to get confirmed space on its schedules.

Prepared financial statements indicate that the Protestant had total assets of \$1,387,944.52. Profit for the first eight months of 1967 was shown on these prepared exhibits to be \$119,582.03. The Protestant enjoys an operating ratio of 80 percent. Its passenger fare produces 22 cents per passenger mile, whereas the industry average is 7.2 cents per passenger mile.

Mrs. Elizabeth H. Paepcke is the widow of the Protestant's founder. Protestant provides adequate service, but, United Air Lines, its connecting carrier and ticketing agent, does not. During significant portions of the year, it is difficult to get reservations on the Protestant's flights.

William R. Little is an Aspen baker and restaurateur. He uses Protestant's services about once every ten days during the winter and twice a week during the summer. The service of Protestant is adequate; however, its flights have been filled to capacity and are booked too tight for substantial periods throughout the year.

Henry L. Stein operates a guest ranch near Aspen. During the summer of 1967, he used Protestant's services up to three times per week. He also used said service during the winter as well. Protestant's service is satisfactory; however, its one schedule per day in the off-season does not fill his needs, and, from June, 1967 to the dates of the hearings in September, 1967, he was forced to charter flights. He had confirmed reservations on flights which he could not board because Protestant was already sold out or did not depart. If faced with a choice between a non-stop service to Denver and a one-stop service at Eagle, he would take the non-stop flight.

DISCUSSION AND CONCLUSIONS

In essence, the Applicant proposes air transportation service between Aspen and Vail, along with air transportation service between Denver and Aspen with a mandatory stop at Eagle. The proposal is in keeping with the rapid, steady growth of the ski industry and mountain recreation industry in the State of Colorado. These industries rank among the top industries in this State in terms of size. Aspen and Vail are internationally known. For the past five years, the number of lodges for vacationers, the number of visiting

skiers, the number of ski lifts, and the number of vacation activities available at Aspen and Vail have shown sizable and constant growth. Aspen and Vail tend to attract vacationers in the higher economic brackets who prefer to use air transportation if and when available. There does not seem to be any foreseeable limitation on the rate of growth of the ski industry and mountain recreation industry at those points. These two towns, along with other interested promoters, urge the vacationer to visit both resorts. Accordingly, these towns have a community of interest in attracting and offering reliable air transportation service.

Although Aspen and Vail resort towns are attempting to attract vacationers throughout the entire year, they presently have peak economic activity during the ski season -- approximately December 15 to April 15 -- and a somewhat lesser peak during the summer months. However, these towns and their vacationers have recurring seasonal demands for air transportation. Particularly where, as here, the tourist market shows strong, steady growth without a foreseeable saturation point, a recurring seasonal air transportation need will support a grant for a Certificate of Public Convenience and Necessity. Compare: New York-Nassau Case, No. 7002, 24 CAB 245, 259 (1956); St. Louis-Southeast Service Case, 7735, 27 CAB 342, 348 (1958); Great Lakes-Southeast Service Case, No. 2396, 27 CAB 829, 1028 (1958). The economic success of resorts, such as Aspen and Vail, is dependent, in large part, on the existence of rapid, dependable transportation.

Neither present nor future demands for air transportation of passengers and property are being met by existing facilities. There is no direct train service between Denver and Aspen nor between Vail and Aspen. Bus service is too slow and tedious for the type of passenger which Vail and Aspen seek to attract. As between Vail and Aspen, there is no scheduled air service whatever. Yet, it is customary for vacationers to visit both areas.

Existing air transportation between Denver and Aspen is the target of justified complaints lodged by passengers, relatives of passengers, promoters, mayors, transportation brokers, and condominium and lodge owners.

Characteristically, these individuals complained about the lack of available space on the Protestant's schedules, and the Protestant displays a significantly high load factor in its operations. Complaints were also directed at the Protestant's frequent cancellations of its flights -- some of which were due to weather conditions but too many of which were due to avoidable causes. Notwithstanding the fact that the market and its own traffic is increasing, Protestant has decreased its facilities and capacity. Protestant's service is not reasonably adequate. The substantial reduction in the Protestant's capacity with the lease out of its F-27, must seriously aggravate its already bad situation with respect to passenger capacity and schedule dependability.

The Applicant proposes the use of suitable ground facilities, and adequate navigational and safety equipment. It proposes to use aircraft which will insure safety and afford economic stability. This is true particularly of its addition of a Beechcraft 99 Airliner. The Applicant has financial strength sufficient to satisfy the economic demands of the scheduled service which it proposes.

The Protestant does not operate on schedule between Aspen and Vail. Therefore, competition will not exist at these points between the parties hereto. Nor will the Applicant directly compete with the Protestant between Denver and Aspen. This is a factor because passengers are interested in eliminating delays and arriving at their destination as soon as possible. The Applicant's proposal entails a one-stop service at Eagle and requires an hour and ten minutes to move passengers from Denver to Aspen; whereas, the Protestant's time in transit, on a non-stop basis, is approximately 45 minutes. The Applicant will, in the main, receive only the overflow traffic which the Protestant cannot handle between Denver and Aspen. The Applicant should be permitted to operate, and such service, as hereinafter authorized, will not impair the service of Protestant contrary to the public interest.

F I N D I N G S

THE COMMISSION FINDS:

From the above and foregoing Statement, which by reference is made a part hereof, the Commission, after due and careful consideration of the entire record in this proceeding, is of the opinion, and finds:

1. That the present and future public convenience and necessity now requires, and will require in the future, the herein proposed extension of the Applicant's authority as hereinafter set forth in the Order following.

2. That the Applicant is fit, willing and able, financially and otherwise to perform the herein proposed extended service.

3. That the Applicant's entire operating authority should be re-described as hereinafter set forth in the Order following.

4. That the service now rendered by Protestant is inadequate.

O R D E R

THE COMMISSION ORDERS:

That Vail Airways, Inc., Denver, Colorado, be, and hereby is, authorized to extend its common carrier operations by airplane under Certificate of Public Convenience and Necessity PUC No. ACS-45 to include the following:

Transportation -- on schedule -- of

Passengers and property

Between the terminal point of Denver, Colorado and airports in the vicinity thereof, and the terminal point of Aspen, Colorado and airports in the vicinity thereof; subject to the requirement that every flight between the terminal points shall land and take off at the intermediate point of Eagle, Colorado, and airports in the vicinity thereof; and between the terminal point of Eagle, Colorado and airports in the vicinity thereof, and the terminal point of Aspen, Colorado and airports in the vicinity thereof, all being on a temporary basis for one year from the effective date of this Order, with authority to change times of its regular scheduled flights or to eliminate or add scheduled flights on five days' notice posted at the respective terminal airports,

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

That the Applicant shall, if it so desires, within one (1) year from the effective date of this Order, file a petition with the Commission requesting that this Order be made permanent.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. ACS-45 as extended shall read and be as follows, to-wit:

Transportation -- as a common carrier by fixed wing airplane -- of
Passengers and property

(1) Scheduled air transportation

Between the terminal point of Denver, Colorado, and airports in the vicinity thereof, and the terminal point of Aspen, Colorado, and airports in the vicinity thereof; subject to the requirement that every flight between the terminal points shall land and take off at the intermediate point of Eagle, Colorado, and airports in the vicinity thereof; and between the terminal point of Eagle, Colorado and airports in the vicinity thereof, and the terminal point of Aspen, Colorado, and airports in the vicinity thereof, all being on a temporary basis for one year from the effective date of this Order, with authority to change times of its regular scheduled flights or to eliminate or add scheduled flights on five days' notice posted at the respective terminal airports.

Between the terminal point of Denver, Colorado, and airports in the vicinity thereof, and the terminal point of Eagle, Colorado, and airports in the vicinity thereof.

(2) Air charter and irregular air transportation on call and demand

Between all points within the State of Colorado, subject to the following restrictions:

- (a) The holder hereof shall not have the right to establish an office or branch for the purpose of developing business at any other towns or places than Denver, Colorado, and airports within a radius of 15 miles thereof, Eagle and Vail, Colorado, and airports located in Eagle and Summit Counties, Colorado, within a radius of 35 miles of Vail, Colorado.
- (b) Under this portion of the authority, the holder shall not perform scheduled service between any points or places.
- (c) In operation under this portion of the authority between points served by a common carrier by air performing scheduled air transportation the fares and charges of the holder hereof shall be at least 120 percent per passenger of the per-passenger fares and charges of such scheduled air carrier.

This Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY authorizing the above-described air common carrier operations.

That the Applicant shall file tariffs, rates, rules and regulations to be approved by this Commission within thirty (30) days from the date hereof, in compliance with the provisions of the authority as granted in this Order.

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 Applicant shall operate 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.

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

CHAIRMAN HENRY E. ZARLENGO DISSENTING

Dated at Denver, Colorado,
this 9th day of May, 1968

et

CHAIRMAN HENRY E. ZARLENGO DISSENTING

I dissent.

Following is the decision which, in my judgment, would be the only proper decision under the facts and the law in this case. A detailed statement of the testimony and evidence is set out as the importance of the matter to be determined requires close scrutiny of the testimony and evidence.

"STATEMENT AND FINDINGS OF FACT

Vail Airways, Inc., the Applicant herein, is the owner and operator of certificate of public convenience and necessity, PUC No. ACS-45, authorizing operations as a common carrier by airplane as follows:

By airplane, in interstate and intrastate commerce for the transportation of passengers and their baggage and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, without the right to establish an office or branch for the purpose of developing business at any town, place or city other than Eagle and Vail, and airports located within Eagle or Summit Counties within a radius of thirty-five miles of Vail, Colorado.

Transportation, by fixed wing aircraft, on permanent scheduled service, of passengers and property, between Denver, Colorado, and airports in the vicinity thereof, on the one hand, and Eagle, Colorado, and airports in the vicinity thereof, on the other hand.

The instant Application was filed on May 29, 1967, and an amended Application was filed on August 4, 1967, whereby Applicant, Vail Airways, Inc., seeks authority to extend operations under said PUC No. ACS-45 as follows, to-wit:

To authorize the operation of scheduled flights between Eagle, Colorado, and airports in the vicinity thereof, and Aspen, Colorado, and airports in the vicinity thereof, including authority to offer and to provide flights between Eagle, Colorado and Aspen, Colorado, as extensions of its flights between Denver and Eagle under its present authority, providing one-stop through service between Denver, Colorado, and airports in the vicinity thereof, and Aspen, Colorado, and airports in the vicinity thereof, via Eagle, Colorado, and airports in the vicinity thereof,

for the transportation of passengers and property between those points, on a temporary basis, with authority to change times of its regular scheduled flights or to eliminate or add scheduled flights, upon five days notice posted at the respective terminal airports.

On August 18, 1967, "Protest of Aspen Airways, Inc.," was filed with the Commission. The Protestant, Aspen Airways, Inc., operates under PUC No. AC-25 and ACS-25, which generally authorize transportation of passengers and property by aircraft in intrastate commerce, not on schedule, but on call and demand, in irregular service, between all points in the State of Colorado, with Aspen as the base of operations; and scheduled common carrier service by aircraft, except helicopter, of passengers and property, between Aspen, Colorado, and airports in the vicinity thereof, and Denver, Colorado, and airports in the vicinity thereof, and scheduled transportation by aircraft of passengers and property, between Aspen, Colorado, and airports in the vicinity thereof, and Grand Junction, Colorado, and airports within a ten-mile radius thereof seasonally between December 15 and April 15.

Hearing on the amended Application and Protest, pursuant to prior setting, after appropriate notice to all parties in interest, was had on August 28, 1967, at Denver, Colorado, and on September 12, 13, and 14, 1967, at Aspen, Colorado, and upon conclusion of the hearing, the matter was taken under advisement.

The testimony of the witnesses in support of and against the Application was in substance and to the effect as follows:

T. Don Gray stated that he is President of Vail Airways, Inc., and Treasurer of Ken R. White Company, which is the principal stockholder of Applicant, and which performs all of the accounting and administration for the Applicant; that Applicant is interested in developing a commuter air line as a complement to its present service to Vail; that the proposed one-stop service, if the Application be granted, is not in direct competition and would provide an alternate means of transportation to the public; that a passenger from Denver would have a choice of a

no-stop flight taking about 45 minutes (by Aspen Airways) as against a one-stop flight of approximately an hour and a quarter (by Applicant); that he guessed the traveler would choose the no-stop flight; that Applicant already serves by schedule into the Eagle Airport and Vail resort area; that upon inquiries of residents and visitors to said locations requests have been made for such service. On cross examination he stated that Applicant has a certificate authorizing scheduled service between Denver and Eagle, however, no flights have been made because the Eagle Airport has been closed; that Applicant does not own any equipment or aircraft, but leases four pieces of equipment from R.M.A. of a value of \$162,968.48 (Exhibit 1); that Applicant will operate three Aero Commanders and a single-engine plane; that Applicant will not own or put into operation any aircraft owned by it to perform the service for which authority has been applied; that it may lease other equipment; that total assets shown of \$295,976.64 with a deduction therefrom of the aircraft leased of the value of \$162,968.48 represents the true picture of the worth of the Applicant; that Applicant leases office space in Denver and a customer ticket counter and has a gate assignment for service in the new Terminal Building in Denver; that thus far Applicant has not executed any contracts to acquire space or facilities at the Aspen airport, but the same can be obtained; that Applicant now has service between Denver and Vail; that if the Application is granted, the Applicant will establish one-stop through service between Denver and Aspen; and, that the witness was aware that Aspen Airways, Inc. is rendering scheduled service between Denver and Aspen.

Gordon F. Autry stated that he is Vice President and Director of Operations of Vail Airways, Inc. and manages its business as to its operational aspects; that he does some piloting on occasions but such activity is decreasing; that he has been a pilot for 14 years, has been a flight instructor, commercial pilot and manager of a charter service.

He identified and sponsored a number of the exhibits received. He further stated that when Applicant commenced service it experienced quite light traffic during the first season; that schedules continued on the basis of two flights a day during the summer months; that Applicant provided both morning and evening service in the Valley as volume became considerably greater; that Applicant's permanent authority was obtained June 7, 1967; that during the winter months four flights daily are made and a scheduled limousine service between the Eagle Airport and Vail, Colorado, meets each flight which is operated by Vail Limousine Inc., a company owned by the Applicant. The witness further testified in considerable detail as to the equipment, pilots, and personnel used and intended to be used by the Applicant, which equipment, pilots, and personnel appear to be competent. He stated that there has not been much winter weather in the last three years as the weather has been mild. He stated that on occasions when the Aspen Airport is not open, the Applicant will apply to extend its limousine service.

Don Fowler stated that he is employed as an area sales and service manager by United Air Lines and has been so employed for 26 years and is directly involved in promotion and development of ski vacations in Colorado. His testimony elaborated on the wide-spread operations of United Air Lines throughout the country and that the Company has spent about a million dollars in the last five years in promoting skiing mostly in Colorado. He further testified in great detail concerning methods of operation, weather conditions, availability of airport usage, etc.; that four or five years ago maybe 40 percent of trips into Aspen were cancelled because of weather conditions. He corroborated in many respects the methods of operation and the personnel to be used by the Applicant as testified to by the former witness. He opined a two-week vacation plan will generally be sold so that a person can spend a week at Vail and a week at Aspen and there are people in the east or out of

state who would like to ski at Vail and at Aspen. On cross examination he stated that the service presently available between Denver and Aspen is by Aspen Airways, which has a contract with United for handling reservations and passengers in Denver; that the service offered and performed by Aspen Airways is satisfactory from the standpoint of United; that while he can't speak for customers there have been problems that are typical to the airline business but on the whole he thought that customers have been satisfied; that, in his opinion, there is some need for service between Eagle and Aspen and he is interested in complete development of tourism in Colorado, both in summer and winter. On questioning by the presiding Commissioner, he was unable to state whether it was frequent or infrequent that Aspen Airways could not take care of customers flown into Denver or that United lost any business because air transportation was not available from Denver to Aspen; that United does not record complaints of passengers.

L. Douglas Hoyt stated that he has been President of the Eagle County Development Corporation for 3½ years; that the Corporation started at the same time that Vail Airways was started; that it acquired a substantial quantity of land part of which was sold to real estate developers and the Corporation retained and developed the remainder into lots, roads, water systems, and utilities, etc.; that the property is for sale, or for rent on a part-time basis; that in his opinion there is a community of interest between the Vail area and the Aspen area; that the two areas are friendly competitors; that a water district is being formed to serve all apartments and building units; that service between Aspen and Eagle would be highly desirable and there is a need for such service. On cross examination he stated that he made no trips between Eagle and Aspen in the last six months; that he has never had occasion to use air transportation between Denver and Vail and Denver and Aspen, and does not know what type of air service is available between Denver and Aspen.

On continued direct examination of Gordon F. Autry, he stated that the Applicant has made both scheduled and chartered flights between Denver and Aspen; that about 55 flights were made on schedule for Aspen Airways under an agreement to pick up Aspen Airways' over-flow and to provide scheduled transportation when it did not operate its large equipment; that sometimes Aspen Airways did not fly because it was too late in the day and it conducts daylight operations, whereas the Denver to Eagle operation is approved for night flying; that Applicant will furnish no less than two flights a day in the morning and evening all year, and four flights a day from December 15 through April 15, with two airplanes being used simultaneously on round trips; that the proposed rate would be \$23.20 which is an extension of the mileage charge, with the fare between Eagle and Aspen being about \$6.10; that the proposed operation would be of great benefit to the Applicant economically; and, that he did not consider service on a one-stop basis between Denver and Aspen to be directly competitive with Aspen Airways' operation between Denver and Aspen as such service would take longer. We find such delay would be inconsequential unless unreasonably extended, something not to be expected as it would work to the Applicant's detriment. He further stated that if the authority from Denver to Aspen, via Eagle, is not granted, he did not think that emplaning all passengers at Eagle for destination to Aspen would be very feasible economically. This opinion on his part strongly indicates that the demand for service between Eagle and Aspen is insufficient to establish that public convenience and necessity require such service. He stated that the real reason why Denver-Aspen service could be offered is that empty seats from Denver could be filled; and, restated, on further cross examination, that one of the purposes of the instant Application was to get authority between Denver and Aspen.

Leslie A. Gross testified that he is an attorney practicing in Colorado and has clients at Aspen, Colorado; that he has used Aspen

Airways on an average of twice a month for business and family vacations although he travels almost invariably by car; that his objection to Aspen Airways is based on reasons which are subjective in that the scheduling was not convenient for him and that he felt unwanted; that the schedule was inconvenient because he wanted to leave Denver in the morning and return in the afternoon; that the scheduling by Aspen Airways does not permit such scheduling; that telephone information is ambiguous on Aspen Airways' part and he has been required to wait around the airport on occasions when the weather was questionable; that he thought about 25 percent of the flights in winter did not meet his schedule; that Aspen Airways' schedules are inconvenient to him; that he never had a bad flight between Denver and Aspen and had no complaint with the way any flight was handled; that the area over which the trip is made is over mountainous contry; that he did not complain to the Commission or call any unsatisfactory experiences to any one.

A. G. Bainbridge stated that he is a marketing director of the Aspen Skiing Corporation and has so been for three years; that his duties consist of advertising, promotion, marketing, research and publicity for the purpose of getting skiers to Aspen; that his company operates 15 chairlifts and 200 miles of ski trails. He further testified as to the great build-up in the ski facilities being made available and in the number of skiers who will be using such facilities; that air service between Denver and Aspen is important to the operation of the company; that he has never complained of Aspen Airways' service to the Commission.

Richard A. Parker stated that he operates Aspen Travel Service and sells transportation on Aspen Airways and other carriers; that there were times when he could not book space on Aspen Airways; that there are peak periods when this could not be done, but this is generally not the case; that he estimated that of the 100-day skiing season there have been 200 times when he was not able to get confirmed space through

reservations on Aspen Airways. He did not state whether such requests for reservations were made the "last minute" or at some reasonable time before the flights. He stated that if a customer is unable to get space on Aspen Airways he loses his commission; that on some occasions a customer could not get space on a desired flight and had to wait for a later flight or stay over night, which experiences occur during high density periods; that he wrote tickets for \$16,000.00 on Aspen Airways from January through August 1967; that complaints have been made to him about cancellation of schedules on Wednesday during the summer season but he did not say for what reasons; that his company would benefit if there were increased service between Denver and Aspen because he is in the business of writing tickets. On cross examination he stated that the complaints were at peak periods which are the highest density periods; that traffic during these periods is above normal; that other than peak periods Aspen Airways' service is satisfactory; that the operation of the mechanical equipment of Aspen Airways is perfectly adequate; that he did not expect Aspen Airways to fly during bad weather; that he has repeat customers who continuously write tickets on Aspen Airways; that complaints were made for baggage being lost or delayed but the baggage was not absolutely lost; that every airline has instances of delayed baggage.

Edward W. Morse stated that he is engaged in the business of property management and real estate and has so been for about nine years; that he is President of the Aspen Chamber and Visitors Bureau, a non-profit organization; that the bureau is interested in transportation and communication and in the transportation of passengers between Aspen and Vail; that the Board adopted a Resolution in support of the instant Application; that he did not desire to degrade Aspen Airways insofar as its mechanical operations are concerned but supported the Application because of some complaints and because of desire for healthy competition. He went on to testify as to the growth in population and expansion in business. He stated that he has used Aspen Airways in the past but does

not do so at the present time because he cannot afford it; that the service of Aspen Airways has been satisfactory with but few exceptions; that he has received statistics from Aspen Airways which do not reflect need for additional service at this time; that additional service at peak periods is an economic necessity; that, in his opinion, Aspen Airways has served to the best of its ability with the equipment it has been using; that he believes from the public relationship and communications standpoint that the service has been insufficient and affects the traveling public. On cross examination he stated that he would use Aspen Airways if an emergency existed. He further related an episode concerning the inability of his daughter to board a plane of Aspen Airways as the plane had been filled with standby passengers although she had a reservation (it remained dubious how late she got to the airport); that he appreciates the difficulties of operating over mountain terrain; that he sees a great future for another air line but does not know whether the economy of Aspen could support two scheduled air services between Denver and Aspen.

Robert Barnard stated that he is a physician, has been practicing medicine for 18 years, and is the Mayor of Aspen, whose population is 1,200; that he is familiar with the tourist trade and believes that Aspen will have a continual growth as it has in the past; that he is familiar with Aspen Airways and its service; that he felt transportation facilities in and out of Aspen must be expanded in the future; that the development of Snowmass will require a larger capacity in transportation; that he feels there is an increased need for transportation between Aspen and Vail which would help both Aspen and Vail. On cross examination he stated that he has not used the services of Aspen Airways.

Robert Lowe stated that he is employed as Assistant Project Manager at Snowmass-At-Aspen area, seven miles west of Aspen, with access over two county roads; that Snowmass-At-Aspen is a planned year-round resort area involving 10,000 acres of which about 3,500 are owned

by the Development Company; that some construction of ski lodges has begun of which five skier-type lodges will be completed this winter. His testimony further elaborated on the great expansion of facilities and expected visitors and guests to the area and that he anticipates that Aspen itself will continue to grow as it has in the past.

Henry L. Stein stated that he resides on a ranch near Aspen; that he has had occasion to use Aspen Airways frequently as he has been obliged to go to Denver three times a week; that he and his family have used Aspen Airways during the winter; that the service has been efficient, reliable and courteous and is all that he would like or expects from an air service that he can count on; that the service has been adequate and satisfactory to meet his transportation needs and he will continue to use it when the scheduling meets his needs and convenience; that the present scheduling does not meet his requirements and he is obliged to use charter service; that he thinks Aspen Airways' service is excellent. On cross examination he explained in some detail some difficulties he experienced with scheduling by Aspen Airways, but did state that he has never had a reservation and not been able to get on the plane.

David L. Hopkins stated that he is an architect and has resided in Aspen since January 1967; that he has never himself used Aspen Airways' service; that his parents, who are from New York City, experienced some difficulties and delay in Aspen Airways' flights even though they had reservations; that he was informed the delays were caused by maintenance problems.

Pat Maddalone stated that she is a bookkeeper and a housewife; that she used Aspen Airways during the Christmas time in 1966 when her daughter was returning from school; that Aspen Airways is very crowded at Christmas time; that she attempted to make reservations for her daughter about November 1 to arrive in December and go back after New Years Day but she could not get confirmed reservations and had to come to Aspen by chartered bus.

Rodney E. Slifer testified that he is a real estate broker and President of the Vail Resort Association, which is a chamber of commerce type organization consisting of members of the business community. He testified as to the business activity including the expected substantial increase in new construction and availability of hundreds of beds capacity; and that the proposed service of the Applicant would be a material help in the development of the community. On cross examination he stated that he has never used the service of Aspen Airways.

King Woodward stated that he is the Manager of the Aspen Institute for Humanistic Studies and is in charge of the executive program connected with transportation of persons attending the Institute. He described the activities of the Institute and stated that approximately 900 to 1,500 people attend each year and on occasion has been requested for assistance in obtaining confirmed space on Aspen Airways; that he has not often had occasions when he could not get confirmed space on Aspen Airways in the summer time; that the availability of dependable, adequate and economic air transportation between Denver and Aspen is important because of the number of people and the need to get them on flights between Denver and Aspen. On cross examination he stated that Aspen Airways has been cooperative; that occasions when service was not available were rare and that generally he was able to get confirmations on scheduled flights; that on request Aspen Airways has put on extra schedules to accommodate attendees at the Institute.

F. Gaylor Miller stated that he operates a ski lodge having 16 rooms and also that he gives private ski instruction; that he thinks his guests would use an air service between Vail and Aspen. On cross examination he stated that he has not used Aspen Airways between Denver and Aspen for the past three or four years and has no personal knowledge of the service.

Joseph Stauffer stated that he is General Manager of Manor Vail Corporation, a condominium consisting of 47 three-bedroom apartments; that 24 more are under construction; that he also operates a bar, restaurant, swimming pool and health club; that 90 percent of his customers are tourists; that in his opinion the service between Vail and Aspen would be used; that there is a community of interest between Vail and Aspen; that he feels there is a need for additional transportation facilities. On cross examination he stated that he has not used the service of Aspen Airways at any time and has no knowledge of its service.

Charles E. Kendall stated that he is operator of Christiania-At-Vail Lodge which has 27 rooms; that he has been Mayor of Vail since 1966; that he has many requests for information for transportation between Vail and Aspen; that he thought the transportation facilities between Vail and Aspen are very unsatisfactory; that the bus service is inadequate; that many of his guests do not want to drive in the mountains in the winter time. On cross examination he stated that he has never used the service of Aspen Airways and has no knowledge of its service.

Charles Patterson stated that he operates the Boomerang Lodge; that he is President of the Aspen Lodge Association which has 52 paid up members; that his lodge consists of 22 units; that business in Aspen is subject to regular seasonal peaks and slumps of demand; that the winter season is from Thanksgiving Day to Easter; that he did not know of any specific instances when guests were unable to obtain transportation via Aspen Airways to Denver; that at times guests were not able to get to Aspen because flights were cancelled; that if the weather is bad guests use other modes of transportation during the winter; that it would be of assistance to him if the service sought by the Applicant is granted. On cross examination he stated that the Aspen Airways' service is generally satisfactory; that he estimated 50 to 65 of the

flights cancelled were due to bad weather at Aspen; that the instances he referred to are exceptions rather than the rule with the operation of Aspen Airways.

Harry Green stated that he is Manager of the Nugget Lodge which consists of 31 rooms and can accommodate 100 people; that he assists guests in obtaining transportation; that great numbers of people who have not made reservations are not able to get on Aspen Airways in winter because it is filled up; that when Aspen Airways is grounded because of weather many people find it difficult to rent a car; that limousine service after dark between Aspen and Eagle would be of assistance. On cross examination he stated that he has never used the service of Aspen Airways; that its service has been regular and dependable between Denver and Aspen and has been quite good considering the conditions under which it must operate.

Steen Gantzel of Aspen, Colorado, James Gray of Aspen, Colorado, William R. Little who operates a restaurant at Aspen, Colorado, and William Goodnough owner of Snowflake Lodge at Aspen, Colorado, testified in substantially the same manner as the preceding witnesses.

It was stipulated by the parties that other witnesses representing lodges in the Aspen area, i.e., Ronald Tighe operator of the Blue Spruce Lodge, Patrick Henry operator of the Prospector Lodge, and Jerry Hewey of the Alps Condominium Association would testify in substantially the same manner as the preceding witnesses.

Elizabeth H. Paepcke stated that she is familiar with Aspen Airways, which was started by her husband, and its entire history; that she used its services between Denver and Aspen four to six times a year; that such service is very adequate considering the great odds under which it is operated; that dissatisfaction when discovered was usually the fault of United Air Lines; that service from the east through to Aspen has not been satisfactory; that from her experience she found United not to be cooperative. On cross examination she

stated that it is very difficult to get reservations on Aspen Airways during certain times of the year, which results because people book the plane fully and fail to show up; that she has witnessed this many times, on which occasions last minute seats were available; that she has advised her friends to go to Aspen Airways and stand by because almost always a seat will be available; that every time she has used the service recently places were available.

Lloyd Carda stated that he is the Chief Accountant of Aspen Airways and has had personal charge and supervision of the Company's books and records; that he prepared its financial statements and exhibits presented at the hearing; that Aspen Airways had an operating loss of approximately \$12,000 for 1965, an operating loss of approximately \$41,500 during 1966, but that the Company showed a net operating profit of approximately \$119,500 for the first eight months of 1967 before taxes (T 278). On cross examination he stated that Aspen Airways has a non-operating F-27, which is now leased for five years; that in 1967 it showed a net operating profit, including rent from lease of F-27, of approximately \$160,000; that the Company now has a surplus of \$34,604 as shown by its balance sheet (T 282); that the records and exhibits show that 91.5 percent of scheduled aircraft miles were completed with 8.5 percent of flights not completed during five months summertime of 1967; that available seat miles in revenue flights was 1,947,000; that the load factor during the period was 51.2 percent; that the average passenger load was 13.4 which includes 8.5 percent of schedules which were never operated (T 287-288).

Edwin A. Nelson, Jr. stated that he was previously employed for ten years by Frontier Airlines as assistant manager in public relations work and taking care of equipment; that he is director of sales and customer service for Aspen Airways and does scheduling, helps with charter work, and handles damage claims and complaints; that as schedules are prepared they are sent to Official Airline Guide, where

they must be 45 days before publication; that he has furnished copies of schedules to Aspen Chamber of Commerce, Aspen Travel Service and also to different lodges; that such schedules are filed with the Commission; that tickets and reservations are handled by United Air Lines through its reservation system, which has 40 people on this type of work in Denver; that reservations are made by a direct phone and is a local call; that reservations are confirmed directly to the passenger or the carrier which is requiring the space, both in Denver and in Aspen; that many times after reservations are made and confirmed, the passengers do not show; that the policy of Aspen Airways as to stand-bys is that they are taken in the order in which they come up to the counter; that a person who phones is a passenger who might want to go, whereas a person at the airport is an actual passenger; that all airlines have no-show people who make reservations; that when booked to capacity it is suggested that prospective passengers come to the airport and stand by, and everything possible would be done to get them on the flight; that a person must be physically present to have stand-by privileges; that when a flight is cancelled due to weather an effort is made to find some other mode of travel, and if a passenger does not desire the mode of transportation, Aspen Airways finds him a room in Denver; that Aspen Airways phones lodge owners in Aspen when passengers will not arrive or when they will arrive if some other mode of transportation is used; that the Company arranges for charter service. On cross examination he testified as to some equipment which has been out of service for repairs; that the type and quality of airplanes operated this winter season will be adequate; that schedules can be increased over last year; that there had been cancellations of flights during the last 90 days because of mechanical difficulties.

Bruce B. Watson stated that he is executive vice-president and general manager of Aspen Airways, having started as chief pilot;

that he has had approximately 7,000 hours of experience as a pilot and has an airline transportation rating; that Aspen Airways owns and operates two DC-3s; that during 1966 and 1967 they operated a Fairchild F-27, which was taken out of service April 1, 1967, which was operated continuously during the last ski season; that the extra capacity was not needed in the summer season; that the cost of operation of the F-27 is too great in the light of revenues during the summertime; that Aspen Airways leases space from United at the ticket lobby at Stapleton International Airport and uses one of United's gates; that Aspen Airways performs its own maintenance work and a new hangar will be available by December 1, 1967, which will also house an office; that Aspen Airways has between 12 and 15 employees at the present time with three pilots who will be available. He elaborated on the competency of the pilots, which appears to be very adequate. He further stated that the aircraft used by Aspen Airways has not been operated to capacity as more seats were available every day than were used; that Aspen Airways will be able to handle additional demands during the winter season and can add additional equipment, but is limited by the facility at Aspen, whose airport is suitable for light aircraft but barely meets minimum requirements of FAA for DC-3s; that there are no lights and there is no instrument approach.

On cross examination he stated that the net pre-tax income for July was \$8,900, with figures not being available for August, and normally there is more traffic in August than in July; that it is impractical to light the airport in Aspen and have scheduled service after dark; that widening of the runway has been estimated and planned by FAA Airport Branch, which indicated it will put some money into the project; that records of stand-by passengers are available but not of persons who called and did not want to go on a stand-by basis. He elaborated in detail on the passenger capacity of some of the equipment.

used. He further stated that Aspen Airways is not a feeder airline, but a local service airline and is a domestic air carrier the same as United; that the last reported industry load factor for Frontier showed a 44 percent load factor, while Aspen Airways has 51 percent or better; that fluctuations in the use of service occur even in the ski season. He testified in great detail concerning numbers of trips, percentages of passengers per flight, etc. He stated that Aspen Airways' fare produces about 22 cents per passenger-mile and did not know the average fare per passenger-mile industry-wise; that Aspen Airways is operating on an operating ratio of something less than 80 percent; that Aspen Airways made a net profit in excess of \$1,500 a day during the ski season and \$1,000 a day operating profit thereafter.

It was stipulated that if a witness were called from the Pitkin County Clerk's office, he would testify that the office records indicate that the first operation of F-27 aircraft by Aspen Airways was in December 1966.

The Commission finds that the Applicant has failed to carry its burden of proof to establish that present, or future public convenience and necessity require, or will require, the proposed extension of its authority to include transportation of passengers between Eagle, Colorado and Aspen, Colorado. The evidence submitted to support the Application in this respect is general and vague in character and is insufficient in quantity. Furthermore, the Commission takes official notice of the following certificates of public convenience and necessity which provide for air transportation and surface transportation between Aspen, Colorado and Eagle, Colorado, and between points in the Aspen area and the general Vail area which Applicant seeks to serve by extension of its authority:

Air Transportation

- PUC No. ACH-54 - Pease Hamilton Helicopters (charter-helicopter)
- PUC No. AC-7 - Monarch Aviation, Inc. (charter)
- PUC No. AC-25 - Aspen Airways, Inc. (charter)
- PUC No. AC-9 - Vail Airways, Inc., doing business as
Rocky Mountain Aviation Inc. (charter)
- PUC No. ACH-28 - Mile Hi Aviation (charter-helicopter)

Under its authority, Pease-Hamilton Helicopters (above) holds an authority for charter helicopter service to and between all points in the State of Colorado with bases of operation at Aspen, Vail and Eagle.

Surface Transportation

- PUC No. 761 - Denver-Salt Lake Pacific Stages, Inc.
- PUC No. 1089 &
- PUC No. 2347 - Glenwood-Aspen Stages, Inc.
- PUC No. 1681 - Little Percent Taxi
- PUC No. 1814 - Eagle Vail Cab Co.
- PUC No. 6808 - Vail Limousine Service, Inc.

Although such means of transportation may not be of the most desirable type, nevertheless it is there and is adequate to meet what small need for service between Aspen and Eagle has been shown by the evidence. The public interest requires and the Commission is duty bound to protect the stability of existing carriers and to guard against allowing the intrusion of additional carriers unless it is clearly established by the facts that the existing service is inadequate. In the case before us, we find that, if extension of the Applicant's authority to include service between Aspen and Eagle is allowed, simultaneously therewith the Commission would be introducing into the area a formidable competitor to the scheduled service of Aspen Airways between Denver and Aspen. It may be true that Vail Airways' service would be a one-stop through service between Denver and Aspen, however, this slight modification of its service, involving a delay of only 30 minutes, as compared to that of Aspen Airways would not be a sufficient deterrent to its becoming a strong and even ruinous competitor to Aspen Airways. Additional service is generally always desired by the public. However, we find in this case that the additional service to be provided might result in poor service by both carriers due to competition. It is apparent that with

Aspen Airways and Vail Airways competing neither might survive, or at very least, that a deterioration in service because of insufficient revenues realized by each will ensue.

The Commission finds that the Applicant has failed to establish by the evidence that the present, or future, public convenience and necessity require, or will require, the additional one-stop service between Denver, Colorado and Aspen, Colorado, for which Vail Airways has applied; that Aspen Airways has not refused to increase the number of flights to meet a reasonable demand therefor; that no facts are elicited to show, nor is there any reason to believe, that the Applicant will be in any better position than Aspen Airways to provide service on those occasions when weather conditions prohibit service; that the service between Denver and Aspen as provided by Aspen Airways is satisfactory and adequate; that there may have been times when as prompt service as could be desired was not available, but these were instances occurring generally during peak periods, and even these, when considered in the light of the very large number of passengers who have been served during such periods, have been infrequent. The Commission further finds that if and when the need for additional service between Denver, Colorado and Aspen, Colorado, arises, Aspen Airways not only has the duty to provide such additional service, but is in a position enabling it to provide such service. It must be borne in mind that the discrepancies in demands during the peak and non-peak periods to which Aspen Airways is subjected is very great; that Aspen Airways is called upon to operate under extremely difficult conditions due to the present limited airport facilities, to the weather, to the terrain, to the fact that no night flying at present is possible, etc. To require a carrier, and especially an air carrier, whose equipment is of the more expensive type, to meet promptly all demands for service, including demands during peak periods, would necessarily mean that the carrier must have stand-by aircraft whose costs, maintenance and depreciation would tend to decrease its

net revenues and result in higher cost of transportation to the public. This is especially true in this case where the peak periods are of short duration and where the fluctuations in demands for service are so severe.

That a utility may have a good or better than average operating ratio is not good legal reason for allowing a competitor to enter the field as an extension of authority must be based on the legal requirements of public convenience and necessity. If an operating ratio be too great the public should benefit by a reduction of rates after hearing. As transportation needs increase the existing carrier should be permitted to expand if its service be adequate and not be limited by introduction of competition.

The Commission finds that the Application should be denied.

O R D E R

THE COMMISSION ORDERS:

That Application No. 22605-Extension-Amended, be, and the same hereby is, denied."


Chairman

Dated at Denver, Colorado,
this 9th day of May, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NELSON N. JAY, JR., 2105 51ST AVENUE,)
GREELEY, COLORADO, FOR A CLASS "B") APPLICATION NO. 23093-PP
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

May 9, 1968

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 12, 1968, 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 William D. Mitchell -- 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 instant application be dismissed for failure to prosecute.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23093-PP be, and the same is hereby, dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

Dated at Denver, Colorado,
this 9th day of May, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HELEN YOUNG AND DOROTHY M. YOUNG, FOR)
AUTHORITY TO TRANSFER ALL THE OUT-)
STANDING CAPITAL STOCK IN AND TO)
PLATEAU VALLEY STAGE LINE, INC.,)
RECORD OWNER OF PUC NO. 212 AND PUC)
NO. 212-I TO DONALD G. GAPTER AND)
GLORIA JEAN GAPTER, AS JOINT TENANTS,)
AND CHARLES K. GAPTER AND ADA FERN)
GAPTER, AS JOINT TENANTS, WITH THE)
RELATIONSHIP OF TENANTS IN COMMON)
AS BETWEEN THE TWO COUPLES, COLLBRAN,)
COLORADO.)

APPLICATION NO. 23127-Stock Transfer

May 10, 1968

Appearances: Keith G. Mumby, Esq., Grand
Junction, Colorado, for
Transferors;
Ivan Kladder, Esq., Grand
Junction, Colorado, for
Transferees.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 8, 1968, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock of Plateau Valley Stage Line, Inc., Collbran, Colorado, record owner of PUC No. 212 and PUC No. 212-I, to Donald G. Gapter and Gloria Jean Gapter, as joint tenants, and Charles K. Gapter and Ada Fern Gapter, as joint tenants, with the relationship of tenants in common as between the two couples, Collbran, Colorado.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- 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. Plateau Valley Stage Line, Inc. is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Said corporation is the owner and operator of PUC No. 212 and PUC No. 212-I, which are the authorities involved in this proceeding.
3. Helen Young and Dorothy M. Young are the owners of all the outstanding capital stock of Plateau Valley Stage Line, Inc., which has operated under PUC No. 212 and PUC No. 212-I in the past. Said authorities are presently in good standing with the Commission.
4. Transferees presently hold no authority issued by this Commission and there is, therefore, no duplication of authority involved herein.
5. The parties have entered into an Agreement for the transfer of all the outstanding and issued stock of Plateau Valley Stage Line, Inc., and the consideration to be paid is fair and reasonable. Pursuant to said Agreement, 40% of said stock shall be held by Donald G. Gapter and Gloria Jean Gapter as joint tenants, and 60% of said stock shall be held by Charles K. Gapter and Ada Fern Gapter as joint tenants.
6. The certificates are free and clear of any debts, encumbrances, or obligations.
7. Transferees have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authorities.
8. 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 they have or will make adequate provision for insurance.

9. If this transfer is approved, Transferees intend to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted, as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferors to transfer all of the outstanding capital stock of Plateau Valley Stage Line, Inc. to Donald G. Gapter, Gloria Jean Gapter, Charles K. Gapter and Ada Fern Gapter, and that the full and complete authority under PUC No. 212 and PUC No. 212-I shall read as follows, to-wit:

"1. Transportation of

Freight and express

Between Grand Junction and Collbran via Plateau City and intermediate points.

- (a) Restricted against service between Grand Junction and Palisade and points intermediate thereto.

2. Transportation of

Freight

To and from the Town of Mesa, to and from points between Grand Junction and Collbran via Plateau City and intermediate points.

- (a) Restricted against service between Grand Junction and Palisade and points intermediate thereto.

3. Transportation of

Passengers and baggage

Between Grand Junction and Collbran and intermediate points over U.S. 24 and Colorado 65.

- (a) Restricted against service between Grand Junction and Palisade and points intermediate thereto.

4. Pick-up and delivery of

Freight

To the rural area beyond the line-haul points at Mesa, Molina, Plateau City and Collbran, to include the following-described territory: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley, including all watersheds drained by Plateau Creek and Buzzard Creek and their tributaries.

5. Transportation of

Livestock

Between points in the following-described territory: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley, including all the watersheds drained by Plateau Creek and Buzzard Creek and their tributaries from said areas to the Towns of Silt and Rifle, Colorado.

6. Transportation of

Freight, passengers, baggage and express

Between Mesa, Colorado and Mesa Lakes Resort.

(a) This service restricted to the summer or tourist season that is from June 1 to September 15.

7. Express service

Between Grand Junction and Mesa Lakes Resort.

INTERSTATE AUTHORITY: Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The 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 Helen Young and Dorothy M. Young, be, and hereby are, authorized to transfer 40% of the outstanding capital stock of Plateau Valley State Line, Inc., Collbran, Colorado, record owner of PUC No. 212 and PUC No. 212-I, to Donald G. Gapter and Gloria Jean Gapter, as joint tenants, and 60% of said stock to Charles K. Gapter and Ada Fern Gapter, as joint tenants, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate PUC No. 212 and PUC No. 212-I shall read and be as follows, to-wit:

(1) Transportation of

Freight and express

Between Grand Junction and Collbran via Plateau City and intermediate points.

RESTRICTION:

Restricted against service between Grand Junction and Palisade and points intermediate thereto.

(2) General commodities

To and from the Town of Mesa, to and from points between Grand Junction and Collbran via Plateau City and intermediate points.

RESTRICTION:

Restricted against service between Grand Junction and Palisade and points intermediate thereto.

(3) Passengers and baggage

Between Grand Junction and Collbran and intermediate points over U.S. 24 and Colorado 65.

RESTRICTION:

Restricted against service between Grand Junction and Palisade and points intermediate thereto.

(4) General commodities

To the rural area beyond the line-haul points at Mesa, Molina, Plateau City and Collbran, to include the following-described area: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley, including all watersheds drained by Plateau Creek and Buzzard Creek and their tributaries.

(5) Livestock

Between points in the following-described area: From a point five (5) miles west of Mesa, Colorado; thence east along Plateau Valley, including all the watersheds drained by Plateau Creek and Buzzard Creek and their tributaries from said areas to the Towns of Silt and Rifle, Colorado.

(6) Freight, passengers, baggage and express

Between Mesa, Colorado and Mesa Lakes Resort.

RESTRICTION:

Restricted to service to be performed during only the summer or tourist season (June 1 to September 15 of each year).

(7) Express service

Between only Grand Junction and Mesa Lakes Resort.


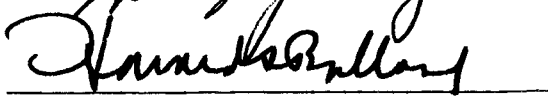
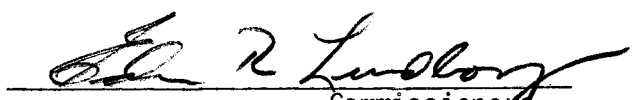
INTERSTATE AUTHORITY:

Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of 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 of stock shall become effective only if and when, but not before, said transferors or transferees, in writing, have advised the Commission that said stock certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed. Failure to file written acceptance of the terms of this Order on or before the effective date of this Order shall automatically revoke the authority granted herein to make the stock transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

This Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE EXCEPTIONS TO PROVISIONS OF)
RULE 19 VIA McCLURE PASS, FOR)
THE TRANSPORTATION OF LIVESTOCK)
-----)

CASE NO. 1585

May 10, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17 and May 3, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, for and on behalf of carriers noted in the exception to Rule 19, filed 3rd and 4th Revised Page No. 87-D-2 to its Motor Freight Tariff No. 14, Colorado PUC No. 13* (*The Motor Truck Common Carriers' Association, Agent, Series) scheduled to become effective May 18 and June 5, 1968, respectively, as follows:

Section No. 4-A
Livestock

LIVE- STOCK RULE No. 19 RULES AND REGULATIONS GOVERNING THE RATES ON MOVEMENTS OF LIVESTOCK, VIZ.: CATTLE, CALVES, HOGS OR PIGS, GOATS, SHEEP OR LAMBS, HORSES, MULES OR ASSES.

SHIPMENTS FROM AND TO POINTS IN GARFIELD, GUNNISON, MONTROSE, MESA AND DELTA COUNTIES:

IN INSTANCES WHERE A SHIPMENT CAN BE TRANSPORTED FROM ORIGIN TO DESTINATION BY WAY OF TWO ROUTES, ONE OF WHICH IS TEMPORARILY IMPASSABLE UNDER CERTAIN WEATHER CONDITIONS, RATE TO APPLY WILL BE BASED ON THE DISTANCE OVER THE TWO ROUTES ADDED TOGETHER AND DIVIDED BY TWO.

19 THE RATE ARRIVED AT IN THIS MANNER WILL APPLY REGARDLESS OF THE ROUTE OVER WHICH THE SHIPMENT IS ACTUALLY TRANSPORTED.

(APPLIES ONLY ON SHIPMENTS TO AND FROM POINTS IN GARFIELD, GUNNISON, MONTROSE, MESA AND DELTA COUNTIES, AND ONLY IN ARRIVING AT RATES FROM AND TO POINTS NOT PROVIDED WITH SPECIFIC ZONE RATES.)

Ⓡ EXCEPTION: THE PROVISIONS OF THIS RULE WILL NOT APPLY ON SHIPMENTS TRANSPORTED VIA McCLURE PASS BY ORVILLE DUNLAP AND HAROLD ROSS DUNLAP, D/B/A ORVILLE DUNLAP & SON, LESLEY ESTES, D/B/A ESTES TRUCKING COMPANY, OR Ⓡ JAMES CLAIRE LANE, D/B/A CLAIRE LANE TRUCKING COMPANY.

Ⓡ DENOTES ADDITION.
Ⓡ DENOTES REDUCTION.

On April 3, 1968, Orville Dunlap & Son, under the Association's independent publication procedure and notice of independent action to all livestock carriers in Delta, Garfield, Gunnison, Mesa and Montrose

Counties, requested he be excepted from requiring to utilize the provisions of Rule 19 herein.

Subsequently, Lesley Estes, d/b/a Estes Trucking Company, and, later, James Claire Lane, d/b/a Claire Lane Trucking Company (4th Revised Page No. 87-B-2) joined in with Orville Dunlap & Son in this exception.

As justification, in Mr. Dunlap's letter dated April 4th, he states:--

"Because of the fact that McClure Pass has been completely rebuilt and will be an all-weather road at all times."

Investigation by the Rate Department of the Commission with the Colorado State Highway Department reveals that the pass on the east side has been paved to the top. However, on the west side construction work is still in progress but in good condition wherein the carriers are of the opinion they will encounter no difficulty in traversing this highway.

Since the exception appears to represent just, fair and reasonable provisions, 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. Rule 29 thereof is used for deviation from Rule 18-C (1) (a) in the case of 4th Revised Page No. 87-D-2 insofar as the effective date thereof is concerned.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings of Fact be, and they are hereby, made a part hereof.
2. That the provisions added to Rule No. 19, excepting shipments via McClure Pass from the application thereof by Orville Dunlap and Harold Ross Dunlap, d/b/a Orville Dunlap & Son; Lesley Estes, d/b/a Estes Trucking Company, or James Claire Lane, d/b/a Claire Lane Trucking Company, should be allowed to become effective on the date set forth herein.
3. That on and after May 18 and June 5, 1968, the affected common carriers by motor vehicle herein shall cease and desist from

demanding, charging and collecting rates and charges greater or less than those herein prescribed.

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


6. 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.

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







Commissioners

Dated at Denver, Colorado, this
10th day of May, 1968. av

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

May 10, 1968

Appearances: J. Albert Sebald, Esq., Denver,
Colorado, for Applicant;
David Butler, Esq., Denver, Colo-
rado, for Colorado Transportation
Company, Colorado Motorway, Inc.,
and Denver-Boulder Bus Company,
Protestants.

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.

Hearings on the instant application were conducted on August 29, 1967 and November 18, 1967 before Robert L. Pyle, an Examiner duly designated

by the Commission. After the conclusion of the hearings, the said Examiner transmitted to the Commission the records and exhibits of the proceeding together with his written Findings of Fact and Conclusions. After careful consideration of the records and exhibits as well as the Findings of Fact and Conclusions submitted by the Examiner, the Commission on January 4, 1968, in Decision No. 70639 entered its Order granting all the authority sought by the subject application with the proviso that the authority shall automatically terminate as of May 1, 1968 and shall have no force and effect of any kind thereafter.

On January 24, 1968, the applicant filed a Petition for Rehearing in this matter. On February 1, 1968, in Decision No. 70805, the Commission granted said Petition and set the subject application for rehearing on February 26, 1968. After due and proper notice to all parties appearing at the original hearing, rehearing on the subject application was held before Commissioner Howard S. Bjelland in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, on February 26, 1968 at 10:00 o'clock A.M.

At the rehearing, J. Albert Sebald, Esq. appeared on behalf of the applicant and David C. Butler, Esq., on behalf of Colorado Transportation Company, Colorado Motorway, Inc. and Denver-Boulder Bus Company, protestants. There were no other appearances.

At the rehearing Mr. Sebald, by way of opening remarks, stated that from his review of Decision No. 70639, and the Findings of Fact set forth therein, it appeared the Commission limited the grant of authority under said Decision to May 1, 1968 only because the Commission felt the applicant would not engage in contract carriage but, in fact, would be serving the public. Mr. Sebald then stated that the applicant, in order to assure the Commission it would conduct only contract carrier operations, would agree to serve only specific customers under the authority sought herein and would agree to a specific provision in the authority so limiting it.

Mr. Dale Glover, President of the applicant, after being sworn, then identified Rehearing Exhibit No. 2 as setting forth and identifying the customers, and the only customers, his Company would serve under the authority sought by this application.

It was then stipulated and agreed by counsel for the applicant that the list set forth in Rehearing Exhibit No. 2 was not to be considered as an initial customer list but rather was, by way of limitation, to constitute and become a part of any authority which might be granted as a result of this application.

Mr. Sebald then requested that the previous record of this proceeding, as well as the proceeding under Application No. 22723-PP, as made at the original hearings on both of said applications, be incorporated into and made a part of the record on this rehearing. Mr. Sebald further indicated he will have prepared a transcript of the testimony given at said original hearings and would file said transcript with the Commission to become a part of these proceedings. There was no objection to this request and it was ordered that the record made upon the original hearing of this Application and Application No. 22723-PP, including the transcript of testimony and exhibits, will be a part of, and will be incorporated into, the record of this rehearing proceeding.

The Commission has given full consideration to the record and exhibits of this proceeding and on the basis thereof finds as follows:

F I N D I N G S

1. Applicant presently holds Permit No. B-5464, which is described as follows:
"Decision No. 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. The authority herein sought does not duplicate or otherwise transgress any authority presently held by Applicant.

8. 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.
9. 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.
10. 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.
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. 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.
13. 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.
14. The applicant has expressly limited its request for authority to certain designated customers. It, therefore, clearly appears the applicant will not, and cannot, hold itself out to the public as ready to act for all who desire its services, and will be acting as a private carrier.
15. The granting of the authority, as described below, will be in the public interest and should be granted.

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.

Restriction:

The service under this authority is expressly limited to the following customers, to-wit:

<u>CUSTOMERS</u>	<u>ADDRESS</u>
Adventures Unlimited	Buena Vista, Colorado
Young Life Campaign	Colorado Springs, Colorado
Sandborn Western Ranches	Florissant, Colorado
Camp Long Scraggy	Pine, Colorado
Blue Mountain Ranch	Florissant, Colorado
Camp WaNaKa	Woodland Park, Colorado
BBB Ranch	Woodland Park, Colorado
Paradise Ranch	Woodland Park, Colorado
Holy Family School	4343 Utica, Denver, Colorado
North Jeffco Metropolitan Recreation and Park District	9101 Ralston Road, Arvada, Colo.
Wildhorn Ranch	Florissant, Colorado
Geneva Basin Ski Corporation	P.O.Box 266, Bailey, Colorado
Graland Country Day School	30 Birch, Denver, Colorado
Arapahoe Basin, Inc.	Box 267, Dillon, Colorado
Wheatridge Youth Council	3014 Chase Street Wheatridge, Colorado
Merrill Jr. High School	1551 South Monroe, Denver, Colo.

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

That insofar as Decision No. 70639 of January 4, 1968 heretofore entered by the Commission in the proceedings on this application is in conflict with this Decision, the said Decision No. 70639 is hereby abrogated, modified and changed so as to conform to this Decision.

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

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed 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 10th day of May, 1968
1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
PAUL RODRIGUEZ DBA)
PAUL'S EXPRESS)
1813 WEST 39TH AVENUE)
DENVER, COLORADO 80211)

PERMIT B-5075
SUPPLEMENTAL ORDER

May 10, 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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

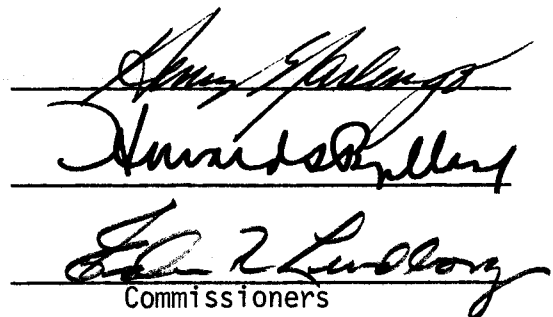
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of May 7, 1968

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
10th day of May 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
ARNOLD S. DAVIS)
2812 SOUTH 2750 EAST)
SALT LAKE CITY, UTAH 81501)

PERMIT NO. B-6608
SUPPLEMENTAL ORDER

May 10, 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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked 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 and revoked as of May 6, 1968 .

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
10th day of May 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD L. OLSEN, JR.)
8148 RALEIGH PLACE)
WESTMINSTER, COLORADO 80030)

PERMIT NO. B-7001
SUPPLEMENTAL ORDER

May 10, 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 files and records of the Commission disclose that said carrier has failed to request in writing reinstatement of said authority as provided in the suspension Order, and that said carrier has been previously duly notified by the Commission of such failure.

The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

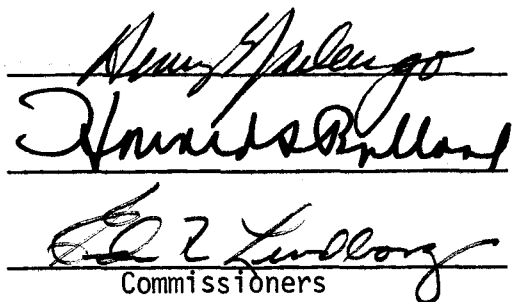
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of May 2, 1968 .

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado, this
10th day of May 1968.
bk

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE POULTRY, DRESSED, OTHER THAN)
COOKED, IN BARRELS, VIZ.: TURKEYS,)
FROZEN)
-----)

CASE NO. 1585

May 10, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 2, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, for and on behalf of Red Ball Motor Freight, Inc., operating under Certificate No. 8, filed with the Commission Application No. 374, requesting to publish on less-than-statutory notice, rates and charges applicable to: --

Poultry, dressed, other than cooked, in barrels, with or without cloth tops, boxes, crates, or in metal cans, viz.: turkeys, frozen, from Cheraw, Colorado to Denver, Colorado, \$150.00 per trailer load. Maximum weight 40,000 pounds per load. Subject to loading by consignor and unloading by consignee.

In support of this request, the petitioner herein sets forth the following facts:

"There is an emergency nature to this request since the move is to commence in late May or very early in June, and it is supposed to continue through December, therefore, we would appreciate your appealing to the Commission to grant us permission to print this rate on short notice.

"It is our understanding that previously this traffic has moved by other than regular common carriage. We have been told we can have the move on this level of rates and it would be very beneficial to us.

"As you are aware we have a very unbalanced move of freight between Denver and the valley points, and a load like this every day, which is the way the turkeys are to be shipped, would certainly help our empty mile situation and our whole interstate operation.

"At the level of rates we propose the PME* should be 64.66 cents and this includes empty miles should we have to come around through Lamar. It would naturally be higher when we would handle it from La Junta.

* PME - per mile earnings

"We have the necessary equipment to handle this traffic on our system at present so there would not be any added expense of this nature."

By way of explanation, on the turn around between La Junta versus Lamar, this would depend upon the load factor from Denver. Red Ball has terminal facilities at Lamar and trucks not having loads destined to Lamar could turn around at La Junta for the back haul loads at Cheraw, resulting in the higher earnings.

Cheraw, Colorado is an off-route point (approximately 10 miles north of La Junta) for Red Ball. In the Commission's Decision No. 56714, dated June 16, 1961, at page 5 thereof, it is stated:

"The Commission concedes that intermediate points is somewhat indefinite, and it is our opinion in construing the above authority that a liberal construction should be placed on "intermediate points" for the reason that the above carriers are the only line-haul certificated common carriers serving the aforementioned routes, and it is our best judgment that the public is entitled to a liberal construction of the above authorities, especially as it pertains to intermediate points."

Since the request as presented represents an urgent need for the publication of rates, rules and regulations as set forth herein, the Commission finds that an order should be entered prescribing the same, under the provisions of Rule 18 C (1) (c) of the Commission's Rules of Practice and Procedure.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings be, and they are hereby, made a part hereof.
2. That the changes set forth in the statement hereof shall be the prescribed rates, rules and regulations of the Commission.
3. That the proposed changes shall be published in 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).
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 May 27, 1968, and upon ten days' notice to the Commission and the general public by the proper tariff filing, 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) percent.

6. That on and after May 27, 1968, and upon ten days' notice to the Commission and the general public by the proper tariff filing, 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) percent.

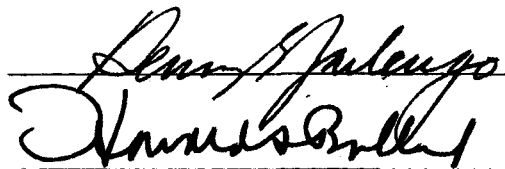
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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
10th day of May, 1968. av

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
DONALD L. BERG)
7770 OLIVE STREET)
COMMERCE CITY, COLORADO 80022)
-----)

PERMIT NO. B-5557

May 13, 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.

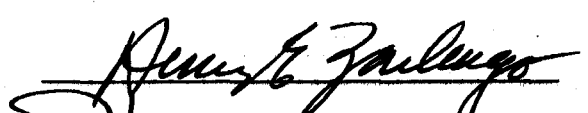
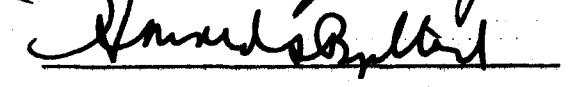
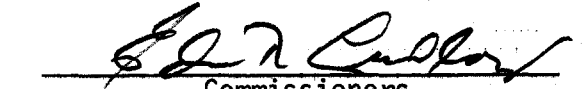
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of April 30, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 13th day of May

(Decision No. 71296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
IN THE MATTER OF THE APPLICATION)	
OF ALBERT STEPHENS, DOING BUSINESS)	
AS "DISPOSAL SERVICE," P.O. BOX)	
399, CRIPPLE CREEK, COLORADO, FOR	)	<u>APPLICATION NO. 23075</u>
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY TO OPERATE AS A COMMON)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	

May 13, 1968

Appearances: Albert Stephens, Cripple Creek,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On February 29, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a common 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, doing business as "Disposal Service".
2. Applicant does not hold previously granted authority from this Commission.
3. Applicant has 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 or special need for the proposed service and the granting of the authority, as hereinafter set forth, will be in the public interest.
6. There is presently no equivalent service available.
7. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
8. 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 granting to the Applicant a Certificate of Public Convenience and Necessity authorizing operation as a common carrier with authority as follows:

"Transportation of

Ashes, trash and other refuse

From Cripple Creek, Colorado, and a ten (10) mile radius thereof, to regularly designated and approved dumps and disposal sites in Teller County, Colorado."

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 Albert Stephens, doing business as "Disposal Service," Cripple Creek, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation of

Ashes, trash and other refuse

From Cripple Creek, Colorado, and a ten (10) mile radius thereof, to regularly designated and approved dumps and disposal sites in Teller County, Colorado;

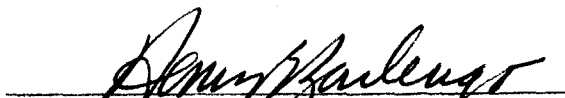
and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

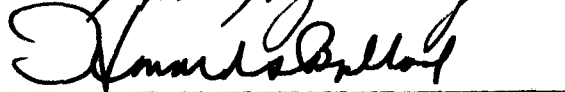
That applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by Act of God, the public enemy or extreme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 13th day of May, 1968.

1s

(Decision No. 71297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. C. RYBERG, DOING BUSINESS AS)
"RYBERG CONSTRUCTION CO.," 5635)
WELLINGTON PARKWAY, ARVADA, COLO-)
RADO, FOR AUTHORITY TO TRANSFER PUC)
NO. 3141 TO RYBERG-WALDORF HOUSE-)
MOVERS CO., A COLORADO CORPORATION,)
6122 EATON STREET, ARVADA, COLORADO.)

APPLICATION NO. 23012-Transfer

May 13, 1968

Appearances: Bernard E. Schilt, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 18, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 3141.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- 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. Transferor herein is the present owner and operator of PUC No. 3141, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
4. Transferee herein holds no previously granted authority from this Commission.
5. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
6. The Certificate is free and clear of any debts, encumbrances or obligations.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. The chief corporate officers, as well as other employees of Applicant, 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.
9. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3141 to Ryberg-Waldorf Housemovers Co., and that henceforth the full and complete authority under said PUC No. 3141 shall read as follows, to-wit:

"Transportation of

Buildings

Between all points within a sixty (60) mile radius of Colfax Avenue and Broadway, Denver, Colorado and to and from said points, from and to points within one hundred (100) mile radius of said Colfax Avenue and Broadway."

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 H. C. Ryberg, doing business as "Ryberg Construction Co.," Arvada, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 3141, to Ryberg-Waldorf Housemovers Co., a Colorado Corporation, Arvada, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 3141 shall read and be as follows, to-wit:

Transportation of

Buildings

Between all points within a sixty (60) mile radius of Colfax Avenue and Broadway, Denver, Colorado and to and from said points, from and to points within a one-hundred (100) mile radius of said Colfax Avenue and Broadway.


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.

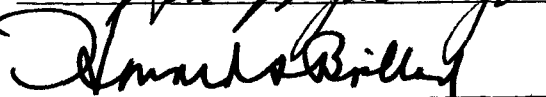
The tariff of rates, rules, and regulations of transferor shall, upon proper adoption notice, become and remain those of transferee until changed according to law and the rules and regulations of this Commission.

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 13th day of May, 1968.
Is

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARLON J. MILLER, DOING BUSINESS AS)
"A. J. MILLER TRUCKING CO.," 500)
RENEE LANE, DE SOTO, TEXAS, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
OPERATING RIGHTS TO A. J. MILLER)
TRUCKING CO. INC., 740 EAST CLARENDON)
DRIVE, DALLAS, TEXAS.)

PUC NO. 6055-I-Transfer

May 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Arlon J. Miller, doing business as "A. J. Miller Trucking Co.," De Soto, Texas, was granted a certificate of public convenience and necessity, being PUC No. 6055-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. 6055-I to A. J. Miller Trucking Co. Inc., Dallas, 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 Arlon J. Miller, doing business as "A. J. Miller Trucking Co.," De Soto, Texas, be, and hereby is, authorized to transfer all right, title

and interest in and to PUC No. 6055-I -- with authority as set forth in the Statement preceding which is made a part hereof by reference -- to A. J. Miller Trucking Co., Inc., Dallas, 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 13th day of May, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DON J. NOLDE, DOING BUSINESS AS)
"DON'S DISPOSAL," 850 39TH STREET,)
BOULDER, COLORADO, FOR AUTHORITY TO)
TRANSFER PUC NO. 3500 TO BESTWAY)
DISPOSAL CO., DOING BUSINESS AS)
"FLATIRONS DISPOSAL," 2460 GRAPE)
STREET, BOULDER, COLORADO.)

APPLICATION NO. 22614-Transfer
SUPPLEMENTAL ORDER

May 13, 1968

Appearances: David W. Griffith, Esq., Boulder,
Colorado, for Applicants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17, 1968, the Commission entered Decision No. 71196 in the above-entitled matter.

On May 7, 1968, "Application for Rehearing," was filed with the Commission by the Applicants by David W. Griffith, Attorney.

The Commission has carefully considered Application for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Application should be denied.

O R D E R


THE COMMISSION ORDERS:

That Application for Rehearing filed with the Commission by the Applicants herein 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 13th day of May, 1968

et

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, COLO-)	
RADO, FOR AUTHORITY TO EXTEND OPER-)	
ATIONS UNDER PERMIT NO. B-5464.)	

May 10, 1968

Appearances: J. Albert Sebald, Esq., Denver,
Colorado, for Applicant;
David Butler, Esq., Denver, Colorado,
for Colorado Transportation Company,
Colorado Motorway, Inc., and Denver-
Boulder Bus Company, Protestants.

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. 22723-PP) for an extension of authority under Permit No. B-5464, said extension consisting of a request for the removal of an equipment restriction heretofore placed upon operations under said Permit. 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. Colorado Springs Coach Company filed a protest to this application on August 9, 1967 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 Petition to Intervene.

Hearings on the instant application were conducted on August 29, 1967 and November 18, 1967 before Robert L. Pyle, an Examiner duly designated

by the Commission. After the conclusion of the hearings, the said Examiner transmitted to the Commission the records and exhibits of the proceeding together with his written Findings of Fact and Conclusions. After careful consideration of the records and exhibits as well as the Findings of Fact and Conclusions submitted by the Examiner, the Commission on January 5, 1968, in Decision No. 70642 entered its Order denying the subject application.

On January 24, 1968, the applicant filed a Petition for Rehearing in this matter. On February 1, 1968, in Decision No. 70806, the Commission granted said Petition and set the subject application for rehearing on February 26, 1968. After due and proper notice to all parties appearing at the original hearing, rehearing on the subject application was held before Commissioner Howard S. Bjelland in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, on February 26, 1968 at 10:00 o'clock A.M.

At the rehearing, J. Albert Sebald, Esq. appeared on behalf of the applicant and David C. Butler, Esq. on behalf of Colorado Transportation Company, Colorado Motorway, Inc. and Denver-Boulder Bus Company, protestants. There were no other appearances.

At the rehearing Mr. Sebald, by way of opening remarks, stated that from his review of Decision No. 70642, and the Findings of Fact set forth therein, it appeared the Commission denied the subject application only because the Commission felt the applicant's operations under the authority sought to be extended by this application did not fit into the purview of private or contract carriage. Mr. Sebald then stated that the applicant, in order to assure the Commission it would conduct only contract carrier operations under said authority, would agree to serve only specified customers under the authority sought to be extended herein and would agree to a specific provision in the authority so limiting it.

Mr. Dale Glover, President of the applicant, after being sworn, then identified Rehearing Exhibit No. 1 as setting forth and identifying the customers, and the only customers, his Company would serve under the authority sought to be extended by this application.

It was then stipulated and agreed by counsel for the applicant that the list set forth in Rehearing Exhibit No. 1 was not to be considered as an initial customer list but rather was, by way of limitation, to constitute and become a part of Permit No. B-5464.

Mr. Sebald then requested that the previous records of this proceeding, as well as the proceeding under Application No. 22724-PP, as made at the original hearings on both of said applications, be incorporated into and made a part of the record on this rehearing. Mr. Sebald further indicated he will have prepared a transcript of the testimony given at said original hearings and would file said transcript with the Commission to become a part of these proceedings. There was no objection to this request and it was ordered that the record made upon the original hearings of this Application and Application No. 22724-PP, including the transcript of testimony and exhibits, will be a part of, and will be incorporated into, the record of this rehearing proceeding.

The Commission has given full consideration to the record and exhibits of this proceeding and on the basis thereof finds as follows:

F I N D I N G S

1. Applicant presently holds authority under Permit No. B-5464, which is described as follows:
"Decision No. 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) 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. The existing common carriers are not adequately serving the transportation needs which this Applicant is attempting to meet.
6. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
7. 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.
8. 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.
9. 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.
10. The proposed operation will not impair the efficient public service for any authorized common carrier adequately serving the same territory over the same general route or routes, and in fact said proposed operations would most likely aid and assist the efficient public service of said common carriers.
11. The applicant has expressly limited the service to be performed under Permit No. B-5464 to certain designated customers. It, therefore, clearly appears the applicant will not, and cannot, hold itself out to the public, under the authority sought to be extended by this application, as ready to act for all who desire its services, and will be conducting a private carrier operations under this authority.

O R D E R

THE COMMISSION ORDERS:

This application for an extension of authority under Permit No. B-5464 is granted and the limitation, heretofore ordered, that no more than six motor buses can be used in operations under said Permit is hereby abrogated and removed, provided, however, the service rendered under said Permit is to be expressly limited to the customers set forth in Rehearing Exhibit No. 1.

Accordingly, Permit No. B-5464 is amended to now read as follows:

"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.

RESTRICTION:

The service under this authority is expressly limited to the following customers, to-wit:

<u>CUSTOMER</u>	<u>ADDRESS</u>
BBB Ranch	Woodland Park, Colorado
Camp WaNaKa	Woodland Park, Colorado
Community Church	Woodland Park, Colorado
Sandborn Western Ranches	Florissant, Colorado
Blue Mountain Ranch	Florissant, Colorado
Wildhorn Ranch	Florissant, Colorado
Adventures Unlimited	Buena Vista, Colorado
Cripple Creek Elks Club	Cripple Creek, Colorado
YMCA Camp	YMCA, Colorado Springs, Colorado
Young Life Campaign	Colorado Springs, Colorado
Thunderbird Camp	Woodland Park, Colorado
4-H Club Camp	Manitou Experimental Station Manitou Springs, Colorado
Templed Hills	Woodland Park, Colorado
Rocky Mountain Menonite Camp	Divide, Colorado
Rainbow Valley Ranch	Divide, Colorado
Thunderhead Inn	Woodland Park, Colorado
Woodland Park School District RE-2	Woodland Park, Colorado

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

That insofar as Decision No. 70642 of January 5, 1968 heretofore entered by the Commission in the proceedings on this application is in conflict with this Decision, the said Decision No. 70642 is hereby abrogated, modified and changed so as to conform to this Decision.

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


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

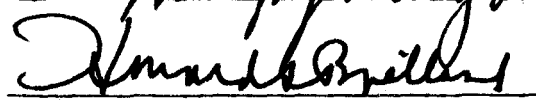
That the right of applicant to operate hereunder shall depend


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 10th day of May, 1968.

1s

(Decision No. 71301)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NORTHWEST WATER CORPORATION, A)
CORPORATION, 1529 YORK STREET, DENVER,)
COLORADO, TO INCREASE ITS RATES FOR)
SERVICE WITHIN ITS CERTIFICATED AREA,)
AND FOR PERMISSION TO FILE TARIFFS)
INCREASING EXISTING RATES ON LESS)
THAN STATUTORY NOTICE.)

APPLICATION NO. 23005

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

SUPPLEMENTAL ORDER

May 13, 1968

Appearances: Irving J. Hayutin, Esq., Denver,
Colorado, for Applicant;
John R. Barry, Esq., Denver,
Colorado, for Shaw Heights Home-
owners Improvement Association,
Protestant;
Robert L. Pyle, Esq., Denver, Colo-
rado, and
Girts Krumins, Esq., Denver, Colo-
rado, for the Staff of the
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17, 1968, the Commission entered Decision No. 71177 in
the above-entitled matters.

On May 7, 1968, "Petition for Rehearing," was filed with the
Commission by Northwest Water Corporation by I. J. Hayutin, Attorney.

The Commission has carefully considered said Petition for Re-
hearing 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 filed with the Commission by Northwest Water Corporation 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 13th day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY)	
CERTIFICATES OF PUBLIC CONVEN-)	
IENCE AND NECESSITY UNDER CHAPTER	)	<u>APPLICATION NO. 23181</u>
115-9-4 (2) CRS 1963, FOR THE)	
TEMPORARY OR SEASONAL MOVEMENT OF	)	<u>EMERGENCY DISTRICT 3-68</u>
EARLY LETTUCE)	

May 10, 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 early lettuce in the Counties of Otero, Pueblo, and Crowley, 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 early lettuce 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 early lettuce in the Counties of Otero, Pueblo and Crowley, 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 transporting said commodities, as provided by Chapter 115, Article 9, Section 4, CRS 1963, and as set forth in the Order following.

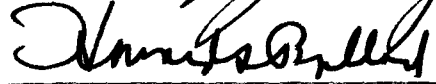
ORDER

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting early lettuce in only the Counties of Otero, Pueblo, and Crowley, State of Colorado; provided, however, that said certificates shall be effective for only a period of ninety (90) days, commencing May 10, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 10th day of May, 1968.

s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEN N. MARTINEZ, 2806 ORCHARD AVENUE,)
GRAND JUNCTION, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23140-PP

May 13, 1968

Appearances: Keith G. Mumby, Esq., Grand
Junction, Colorado, for
Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 15, 1968, 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 William D. Mitchell -- 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

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION: This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

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 Ben N. Martinez, Grand Junction, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials,

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

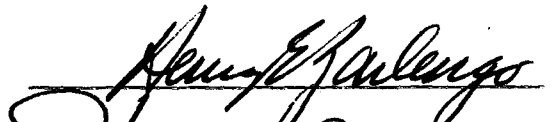
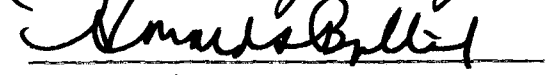

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 13th day of May, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
TROY D. HUBBARD, DOING BUSINESS AS)	
"T. D. HUBBARD," 4922 BRYANT, DENVER,)	<u>APPLICATION NO. 23104-PP</u>
COLORADO, FOR A CLASS "B" PERMIT TO)	
OPERATE AS A PRIVATE CARRIER BY MOTOR)	
VEHICLE FOR HIRE.)	

May 13, 1968

Appearances: Sheldon W. Greene, Esq., Denver,
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 20, 1968, 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 William D. Mitchell -- 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 presently hold authority granted from this Commission; however, Applicant requests, in the event the authority herein sought is granted, that said operating rights be known as "Permit No. B-5575," being the number of a permit formerly held by him.
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

1. 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

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points;

- (2) 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 one hundred fifty (150) miles of said pits and supply points;

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points;

RESTRICTION: This permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

2. That said operating rights be known as "Permit No. B-5575", being the number of a permit formerly held by Applicant.

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 Troy D. Hubbard, doing business as "T. D. Hubbard," Denver, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of one hundred fifty (150) miles of said pits and supply points.

- (2) 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 one hundred fifty (150) miles of said pits and supply points.

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of one hundred fifty (150) miles of said jobs.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of one hundred fifty (150) miles of said pits and supply points.

RESTRICTION:

This permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

That the above Class "B" motor vehicle private carrier operations shall be designated and assigned the number "B-5575", and this ORDER shall be deemed to be, and be, a PERMIT therefor.



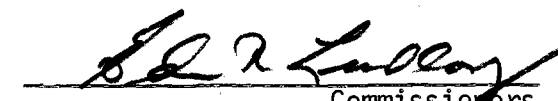
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 13th day of May, 1968.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE FAILURE OF CERTAIN CORPORATIONS,)
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.)

May 13, 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 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 certificate of 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.

O R D E R


THE COMMISSION ORDERS:

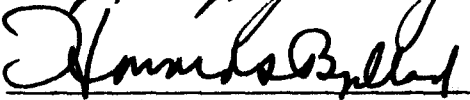
That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as Common or Private Carriers by Motor Vehicle for hire in interstate commerce only over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

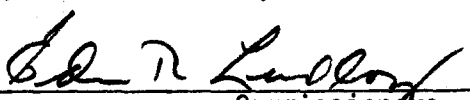
Leon Baker	P.O.Box 19061, Oklahoma City, Okla. 73119
Cascade Commercial Co.	3215 N.W.Yeon, Portland, Oregon 97210 (SEND ALL RECORDS AND MAIL TO:) 3825 1st St. South, Seattle, Wash. 98134
Ramiro Garza, Jr., d/b/a R. L. Garza Produce	916 Cecelia Street San Antonio, Texas 78200
General Equipment Co., Inc.	1321 Mason St., Omaha, Nebraska 68103
J. P. Haller	859 Struthers Ave., Grand Junction, Colo. 81501
L. L. Heard	Amarillo, Texas 79100
Norman Kramer	Bethune, Colorado 80805
Merritt Trucking, Inc.	P.O. Box 79, LaCrosse, Florida 32658
Larry D. Quick	Route 1, Box 101, LaJunta, Colo. 81050
Melvin Reeves, d/b/a Reeves Live Stock	121 West 20th, Scottsbluff, Nebr. 69361
Marshall P. Taylor, d/b/a Taylor Trucking Co.	P.O. Box 10217, Alameda, New Mexico 87114
Robert & Gladys Tolles	1726½ Grant St., Sidney, Nebr. 69162
Earl F. & Leonard L. Haney, d/b/a Universal Cartage Co.	4201 E. 52nd Ave., Box 16044 Denver, Colorado 80216
Don White	Route 5, Emporia, Kansas 66801
L. G. Williams Truck	602 E. 7th, Del Rio, Texas 78840

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 13th day of May, 1968.
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Hubert & Neill Hollan
dba Hollan Bros.
P.O. Box 415
Fowlerton, Texas 78021

AUTHORITY NO. 6724-I

CASE NO. 988-H-Ins

May 13, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.

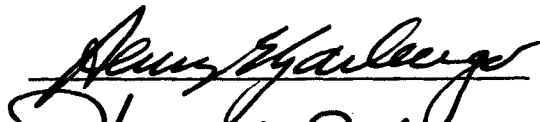
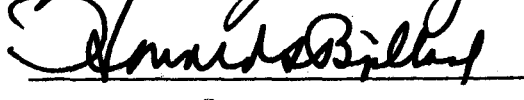

O R D E R

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

13th day of May, 1968 . rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE ALLOWANCE IN LIEU OF PICK-UP)
SERVICE; EXTRA LABOR CHARGES ON)
SATURDAYS, SUNDAYS AND LEGAL)
HOLIDAYS; SPENT ACID; AND)
CORRECTION IN RATE)

CASE NO. 1585

May 14, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 17, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, filed revised pages to its Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11* (*The Motor Truck Common Carriers Association, Agent, Series) as set forth in Appendix "A" attached hereto, scheduled to become effective May 20, 1968.

In support of the changes, the Commission is in receipt of communications from carriers involved herein, forwarded by the Chief of Tariff Bureau.

Items 610 and 620, allowances in lieu of pick-up service performed by shippers for account of Larson Transportation Company and Rio Grande Motor Way, Inc., as amended to remove the intrastate application. Mr. Wally Fletchinger, General Traffic Manager for these Companies, in his letter to the Commission, states: --

"In support, it is offered that our records have been thoroughly searched and we are unable to find where any shipper of intrastate freight is filing claims for the 5¢ allowance with our Company. It is our belief that this provision is not being utilized by any intrastate shipper or consignee and that it should be removed from the tariff.

"On the same hand, we have found where a few interstate shippers are presenting us with monthly statements based on the provisions of these items and, therefore, it is our desire to retain the provisions on an interstate basis."

Item 850, extra labor provisions, the minimum charge of \$29.20 per man for work performed on Saturday, Sunday or Legal Holidays is increased to \$58.40 per man. Mr. Fletchinger's letter dated March 21, 1968, supporting this increased charge, states: --

"The purpose of this amendment is on account of many of the participating carriers to this tariff have a provision contained in their labor agreement with the Teamsters Union that any work performed on Saturday, Sunday or Legal Holiday will carry an eight hour guarantee. In other words, if an employee is called in by his company to work on these given days by the terms of the Teamsters contract, the company is obligated to pay him for an eight hour day and this would be at time and one-half, assuming that the employee had worked the five-day week prior. The \$29.20 charge presently in this item reflects only a four hour guarantee or four times the hourly rate of \$7.30. The proposed change is to more accurately reflect in the tariff for services performed on Saturday, Sunday or Legal Holidays the provisions that are contained in the Teamsters contract."

Item 1201, is amended by the addition of acid, spent, in bulk in tank vehicles for the account of Denver Climax Truck Line, Inc. Special Permission No. 15129, dated May 3, 1968, was allowed to this carrier to correct the destination from Denver to Commerce City and reduce the rate from 12¢ to 10¢. The original publication was by telephone conversation and prior to receipt of written instructions which resulted in some misunderstanding.

The carrier represents that they can haul 42,000 pounds of spent acid per trip and can make the trip in approximately 3½ hours. Also, another movement of acid, not spent, originating in Denver and destined to Ladora, which frequently occurs at the same time, thus making better utilization of its equipment. That rate is mutually agreed upon between shipper, consignee and carrier.

Item 1725, motion picture film, the rate between Denver and Fort Lyon under circle ② is increased to 504. The Chief of Tariff Bureau, in a memo dated April 29, 1968, to the Commission, states: --

"On February 15, 1968, we published a rate of \$4.98 per 100 pounds to apply on shipments of motion picture film between Denver and Fort Lyons. This rate was based on the then effective less-than-truckload class 200, and became effective on March 23, 1968.

"In the meantime, it was discovered that the less-than-truckload base rate of \$2.39, published to apply between Denver and Fort Lyons, was incorrect, and that it should be increased to \$2.47.

"The less-than-truckload class 100 base rate was corrected by publication which also became effective on March 23, but a similar correction was not made in the proposed firm rate.

"Purpose of the present publication is to correct the rate in Item 1725 to reflect the presently effective class 200 rate applicable on shipments weighing less than 1,000 pounds.

"This represents an increase (after applying the provisions of Item 600 to both the presently effective rate and the proposed rate) of 6¢ per 100 pounds."

Since the changes as proposed in Appendix "A", attached hereto, appear to represent just, fair and reasonable rates and charges, 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.

O R D E R

THE COMMISSION ORDERS:

1. That the State and Findings and Appendix "A" be, and they are hereby, 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 May 20, 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) percent.

6. That on and after May 20, 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) percent.

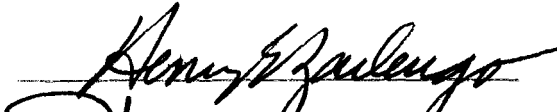
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.


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
14th day of May, 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)

Issued: April 12, 1968
Effective: May 20, 1968

RULES AND REGULATIONS

Item No.	Application
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1st Revised Page No. 78

ALLOWANCE IN LIEU OF PICK-UP SERVICE AT DENVER, COLORADO:

~~(A)~~ (Applies on interstate traffic only)

(Applies only via the Larson Transportation Company.)

When the consignor elects to make his own arrangements for the pick-up service authorized herein, (See item 970), an allowance of five (5) cents per 100 pounds will be made to such consignor for such service subject to the conditions and exceptions in paragraphs (A), (B), (C) and (D), below. Such allowance will be made only on shipments which are delivered and unloaded by the consignor at the carrier's freight depot, and receipted for by the carrier at the freight depot to which such shipment is delivered.

610 (A) Allowances will be computed on the basis of the weight on which the freight charges are assessed, except that a minimum allowance of five cents will be made when the freight charges are based on less than 100 pounds or when the minimum charge is applied.

(B) Allowances due the consignor will be made upon claims filed by the consignor with carrier's agent at the point where the pick-up service is authorized, such claims to be supported by a statement of the shipments involved. In no case will allowance be made to other than the consignor named on the bill of lading. All claims for allowance must be presented to carrier each two weeks.

(C) In no case will allowance be granted to consignors when pick-up service is accomplished by them in any manner other than high-way vehicle.

(D) No allowance will be made for pick-up service at stations other than Denver, Colorado.

Item No.	RULES AND REGULATIONS APPLICATION
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1st Revised Page No. 79

ALLOWANCE TO SHIPPERS FOR PICK-UP AND DELIVERY SERVICE:

* (A) (Applies on Interstate Traffic Only.)
* (Applies only for account of Rio Grande Motor Way, Inc.)

* When the consignor elects to make his own arrangements for the
* pick-up service authorized herein, (See item 970), an allowance
* of 5 cents per 100 pounds will be made to such consignor for such
* service, subject to the conditions and exceptions in paragraphs
* (A), (B), (C), (D) and (E), below. Such allowance will be made
* only on shipments which are delivered and unloaded by the consignor
* at the carrier's freight depot and receipted for by the carrier at
* the freight depot to which such shipment is delivered. When the
* consignee elects to make his own arrangements for the delivery
* service authorized herein, (See item 970), an allowance of 5 cents
* per 100 pounds will be made to the consignee for such service, sub-
* ject to the conditions and exceptions in paragraphs (A), (B), (C),
* (D) and (E), below. Said allowance will be made only on shipments
* which are accepted by the consignee at the carrier's freight depot.

620

(A) Allowances will be computed on the basis of the weight on which
the freight charges are assessed, except that a minimum allowance of
5 cents will be made when the freight charges are based on less than
100 pounds or when the minimum charge is applied.

(B) Allowances due the consignor or consignee may be made upon state-
ment prepared by the carrier, or upon claims filed by the consignor
or consignee with carrier's agent at point where the pick-up or
delivery service is authorized, such claim to be supported by statement
of shipments involved.

In no case will allowances be made to other than the consignor
or consignee named on the bill of lading.

All claims for allowances must be presented not later than 30
days after the month in which the shipment is made.

(C) No allowance will be made on a shipment which has been tendered
for delivery and returned to carrier's depot account failure to
accomplish delivery.

(D) In no case will allowances be granted to consignors or consignees
when pick-up or delivery service is accomplished by them in any manner
other than by highway vehicle.

(E) No allowance will be made for pick-up and/or delivery service at
the following stations:

- | | |
|------------|----------|
| Chandler | Portland |
| Coal Creek | Rockvale |
| Penrose | Wetmore |

Item No.	RULES AND REGULATIONS APPLICATION
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10th Revised Page No. 89

EXTRA LABOR:

Additional help is deemed to be required:

- (1) When, because of size, weight or nature of the commodity, public laws or regulations require the service of a flagman, or extra labor or help, or
- (2) Where an article (or articles) in a single container or shipping form:
 - (A) weighs 500 pounds or more, or
 - (B) exceeds 8 feet in its greatest dimension, or
 - (C) exceeds 4 feet in each of any two dimensions.
- (3) When requested by shipper or consignee in connection with a pick-up or delivery as the case may be.

850

Whenever additional help is required, as defined above, such help shall be furnished by the shipper or consignee, as the case may be. If requested, carriers will undertake, in behalf of shippers or consignee, to employ additional help. The following charges for each man furnished (other than the truck driver for whom no charge will be made) shall apply from time of leaving office of carrier until return to said office:

Mondays through Fridays (8:00 a.m. to 5:00 p.m.), \$4.87 per hour per man, minimum charge \$4.87 per man;
Mondays through Fridays (5:00 p.m. to 8:00 a.m.), \$7.30 per hour per man, minimum charge \$7.30 per man;
Saturday, Sunday or Legal Holiday, \$7.30 per hour per man, minimum charge (A) \$58.40 per man.

(The term "Legal Holiday" shall be understood as meaning New Year's Day, Washington's Birthday, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, the Day before Christmas, and Christmas Day.)

SECTION NO. 2
Commodity Rates
(For application, see Page No. 190 of Tariff)
Rates are in cents per 100 pounds (unless otherwise stated)

Item No.	Commodity	From	To	Rates	Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)			

7th Revised Page No. 190-B

	Acid, sulphuric, in bulk.	Denver	Climax	① \$4.25	
	Tailings, pyrites ore, in bulk	Climax	Denver	① \$4.25	
	① Rate in dollars and cents per ton of 2,000 pounds. The rate provided above will apply only on shipments transported in a semi-trailer designed and constructed to accommodate shipments of acid in one direction and shipments of ore on the return trip. Subject to a minimum of 45 tons per round trip.				30
	Acid, sulphuric, in bulk in tank vehicles, Minimum weight 53,000 pounds.	Denver	Climax	27	
1201	Acid, sulphuric, in bulk in tank vehicles, Minimum weight 40,000 pounds.	Denver	Ladora	12	
	⊕ Acid, spent, in bulk in tank vehicles, Minimum weight 40,000 pounds.	Ladora	#Commerce City	# 10	

One and one-half hours' free time will be allowed for loading and one and one-half hours' free time will be allowed for unloading; time to be computed from the time carrier's equipment is placed at shipper's facility. If loading or unloading cannot be completed and carrier's equipment is not released within the free time specified, a detention charge of \$15.00 per hour will be made from expiration of free time until the release of equipment by the shipper or consignee. Fractions of an hour will be figured at the next one-fourth hour and charged for at the next one-fourth hour and charged for at the rate of \$3.75 for each one-fourth hour.

Special Permission No. 15129, May 3, 1968, issued to change destination from Denver, Colorado to Commerce City, Colorado and reduce the rate from twelve to ten cents.

SECTION NO. 2 Commodity Rates (For application, see Page 190 of Tariff)				
Rates are in cents per 100 pounds (unless otherwise stated)				
Item No.	Commodity	From	To	Rates' Route No.
	Commodities in the same item may be shipped in straight or mixed truck loads.	(Except as noted in individual items)		

4th Revised Page No. 205-A

		<u>BETWEEN</u>	<u>AND</u>	①	②	
1725	Film, motion picture, exposed, in metal cans. ① Rates apply on shipments released to a valuation not exceeding \$1.00 per pound. ② Rates apply on shipments released to a valuation exceeding \$1.00 per pound, but not exceeding \$7.50 per pound.	Denver	Burlington	244	'477	'11
			Cheyenne			
			Wells	247	'483	'11
			Eads	244	'477	'11
			Ft. Lyon	--	Ⓐ504	99
			Hugo	210	'410	'11
			Limon	197	'384	'11
			Springfield	287	'563	'70;
						'81
			Stratton	232	'454	'11

If declared or released value exceeds that shown above, or if shipper refuses to declare or release value, the shipment will not be taken.

The value declared in writing by the shipper or agreed upon in writing as the released value of the property, as the case may be, must be entered on the shipping order and bill of lading as follows:

"The agreed or declared value of the property is hereby specifically stated by the shipper to be not exceeding \$_____ per pound for each article."

Ⓐ denotes increase

Ⓡ denotes reduction

/ denotes addition

- Route No. 11 - Denver-Limon-Burlington Transfer Company - direct
- Route No. 30 - Denver Climax Truck Line, Inc. - direct
- Route No. 70 - Denver-Limon-Burlington Transfer Company, Lamar, Colorado, K & K Transfer Company
- Route No. 81 - Red Ball Motor Freight, Inc., Lamar or Walsh, Colorado, K & K Transfer Company
- Route No. 99 - Red Ball Motor Freight, Inc., Pueblo, Colorado, Las Animas Transfer & Storage

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
KARL J. SHRODE AND RICHARD A. SHRODE,)	
DOING BUSINESS AS "S & S TRUCKING,"	)	<u>APPLICATION NO. 23115-PP</u>
E. 5TH AVENUE AND LASHLEY STREET,)	
LONGMONT, COLORADO, FOR A CLASS "B")	
PERMIT TO OPERATE AS A PRIVATE CAR-)	
RIER BY MOTOR VEHICLE FOR HIRE.)	

May 14, 1968

Appearances: Mrs. Karl J. Shrode, Longmont,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 1, 1968, 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. Applicants are a partnership.
2. Applicants do not hold previously granted authority from this Commission.
3. Applicants have sufficient equipment, experience and net worth, 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. There is a present and special need for the service and, if this application is granted, Applicants 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 Applicants to operate as a private carrier by motor vehicle for hire with authority as follows:

"Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points;

(2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points;

RESTRICTION:

This permit is restricted against the use of tank vehicles when transporting road-surfacing materials."

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 Karl J. Shrode and Richard A. Shrode, doing business as "S & S Trucking," Longmont, Colorado, be, and hereby are, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

(2) Sand and gravel

From pits and supply points in the State of Colorado to rail-road loading points and to homes and small construction jobs within a radius of fifty (50) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials;

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

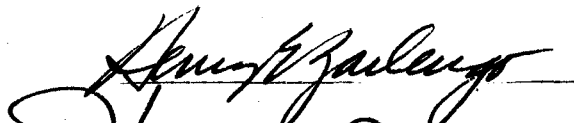
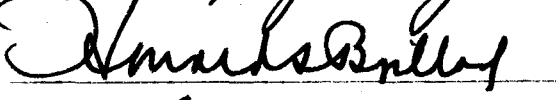
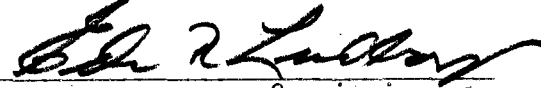
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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 14th day of May, 1968.
ls

(Decision No. 71309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE M. VELASQUEZ, BOX 35, DEL NORTE,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 23085-PP

May 14, 1968

Appearances: Joe M. Velasquez, Del Norte,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 8, 1968, 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, other than Permit No. M-8021.
3. Applicant requests that, in the event this application is granted, said operating rights be known as "Permit No. B-1514", being the number of a Permit formerly held by him.
4. Applicant has sufficient equipment, experience and net worth, 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 authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

1. 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

(1) Farm products between all points within a radius of twenty-five (25) miles of Del Norte, Colorado.

RESTRICTION:

Restricted against transportation of livestock, dairy products and bulk milk."
2. That said operating rights be known as "Permit No. B-1514", being the number of a Permit formerly held by him.

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 Joe M. Velasquez, Del Norte, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Farm products between all points within a radius of twenty-five (25) miles of Del Norte, Colorado.

RESTRICTION:

This Permit is restricted against the transportation of livestock, dairy products and bulk milk;

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

That the above Class "B" motor vehicle private carrier operations shall be designated and assigned the Number "B-1514".

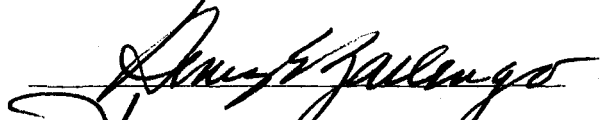
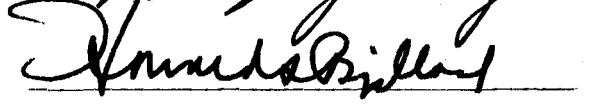
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

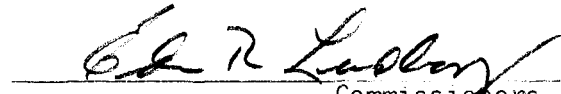
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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 14th day of May, 1968.
1s

(Decision No. 71310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK H. RASMUSSEN, P. O. BOX 171,)
U. S. NO. 160, SOUTH FORK, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 23008-PP

May 14, 1968

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

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 11, 1968, 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.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to presenting evidence, Applicant requested that there be deleted from his application that portion of the authority requesting transportation of 'rough lumber, from sawmills in said one hundred (100) mile radius to markets in the State of Colorado', which, being restrictive in nature, was granted."

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

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests;

RESTRICTION:

This permit is restricted against town-to-town service."

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 Frank H. Rasmussen, South Fork, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of one hundred (100) miles of said forests.

RESTRICTION:

This Permit is restricted against town-to-town service;

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

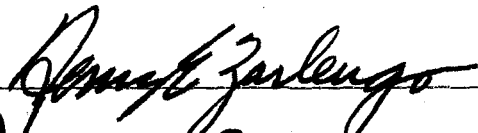
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.


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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1968.
ls

(Decision No. 71311)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EUFRACIO GALLEGOS, 310 - 5TH STREET,)
DEL NORTE, COLORADO, FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23137-PP

May 14, 1968

Appearances: Eufracio Gallegos, Del Norte,
Colorado, pro se;
Elizabeth A. Conour, Esq., Del
Norte, Colorado, for Fred T.
Gibson, dba Gibson Truck Line,
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 15, 1968, 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 -- at the hearing -- the herein application was protested by Fred T. Gibson, doing business as Gibson Truck Line.

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:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing, it was stipulated by the parties that the portion of the application requesting authority to transport 'rough lumber, from sawmills in said 50-mile radius to markets in the State of Colorado' be deleted, whereupon, Protestant withdrew."

The record further discloses, in view of the above and foregoing, that the Protestant of record, as above indicated, withdrew his protest to the granting of the authority as herein sought.

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

(1) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of fifty (50) miles of said forests;

RESTRICTION:

This permit is restricted against town-to-town service."

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 Eufracio Gallegos, Del Norte, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of fifty (50) miles of said forests.

RESTRICTION:

This Permit is 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.


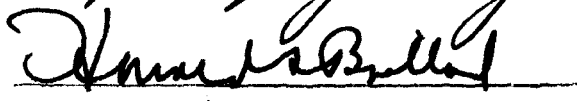
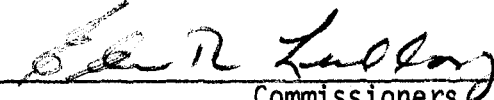
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers,

the necessary tariffs, required insurance, and has secured authority sheets.

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

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

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1968.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
L. B. SHAW, DOING BUSINESS AS)
"MOBILE RADIO COMMUNICATIONS)
SERVICE," 630 - 4TH AVENUE, DURANGO,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO OPERATE)
AS A PUBLIC UTILITY SERVICE FURNISH-)
ING MOBILE RADIO COMMUNICATIONS)
SERVICE TO THE PUBLIC THROUGHOUT)
PORTIONS OF LA PLATA COUNTY, COLO-)
RADO.)

APPLICATION NO. 23017

May 14, 1968

Appearances: Pierpont Fuller, Esq., Denver,
Colorado, for Applicant;
Girts Krums, Esq., Denver,
Colorado, of the Staff of
the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 24, 1968, the above-entitled application was filed requesting a certificate of public convenience and necessity to operate as a public utility service furnishing mobile radio communications service to the public throughout portions of La Plata County, Colorado.

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, doing business as "Mobile Radio Communications Service," which is the trade name for a portion of the unincorporated radio service and communications business of the Applicant.
2. The utility service proposed to be rendered to the public by this Application consists of Domestic Public Land Mobile Radio Service defined as follows:
 - a. Two-way mobile radio-telephone communication service for hire between land mobile radio stations and the base radio station or between mobile radio stations through the base radio station.
 - b. Two-way radio telephone services as described herein and as set forth in Applicant's Tariff Filings with the Federal Communications Commission which include or will include interconnected communications from mobile stations as above defined through Applicant's facilities and lines to existing public message telephone systems. A proposed form of interconnection agreement with the Mountain States Telephone and Telegraph Company was introduced into evidence as Exhibit B.
3. Mr. L. B. Shaw, the Applicant, has been engaged in radio communications work for many years and he and his wife presently operate a telephone answering service in Durango, Colorado, which, at present, serves 31 subscribers and he also presently has 5 subscribers for whom he provides a two-way mobile radio-telephone communications service.
4. There is presently no competition in this field in the Durango area; however, the Mountain States Telephone and Telegraph Company under its tariffs may furnish a somewhat similar service, but without a telephone answering service in connection therewith.
5. One Bonnie Ann Graves, doing business as "Ute Communications," with an office in Cortez, Colorado, operates a mobile radio communications service by authorization of a certificate granted to her by this Commission in Decision No. 65849 dated September 16, 1965.
6. The area served by the said Bonnie Ann Graves under the aforementioned certificate overlaps to a slight degree the territory proposed to be served by the Applicant.

7. The Applicant has entered into agreements with both Mountain States Telephone and Telegraph Company and Ute Communications (Exhibits H and G), which agreements provide generally that Mountain States Telephone and Telegraph Company and Ute Communications will not oppose this particular application, and the agreement with Mountain States Telephone and Telegraph Company further stipulates that if a certificate is granted to this Applicant, he (L. B. Shaw) will not object in the future to Mountain States Telephone and Telegraph Company providing mobile communications service either within or into the area served by this Applicant. Further, the stipulation with Ute Communications provides that the parties have entered into a restrictive agreement concerning the power to be used by this Applicant in the area where the two services might overlap.
8. Applicant has FCC License as follows:

'FCC License, KFL 917 issued May 31, 1967, operating on frequency of 152.06 Mc. mobiles on 158.52 Mc. Transmitter location in the N $\frac{1}{2}$ SE $\frac{1}{4}$, Section 25, Township 35 North, Range 10 West, N.M.E.M., Durango, Colorado (latitude 371543 N - Longitude 1075422 W); location of authorized control points 630 Fourth Avenue, Durango, Colorado.'
9. Applicant proposes to provide service within the proposed area with an adequate signal approximating not less than 37 decibels.
10. A feasibility study prepared by the Applicant and his accountant indicated that the service would be useful and profitable.
11. The telephone answering service operated by this Applicant is not subject to the jurisdiction of the Public Utilities Commission and Applicant will operate his mobile radio service entirely separate from said telephone answering service, including separate books and accounts.
12. The Commission has jurisdiction of the Applicant and of the subject matter involved in the instant application, and Domestic Public Land Mobile Radio Service as proposed in this application is a public utility, subject to the jurisdiction of this Commission.
13. Applicant has equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
14. 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.
15. There is a present or special need for the proposed service and the granting of this authority will be in the public interest.

16. The present or future public convenience and necessity requires or will require the service proposed in this application.
17. The application should be granted and the interconnection between the Applicant and the Mountain States Telephone and Telegraph Company (Exhibit B) should be approved.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order:

- (1) Granting to L. B. Shaw, doing business as "Mobile Radio Communications Service," a Certificate of Public Convenience and Necessity authorizing the operation of a Two-Way Domestic Public Land Mobile Radio Service in those portions of LaPlata County, State of Colorado, as more particularly set forth in Exhibit C which is attached hereto and made a part hereof.
- (2) That Applicant shall file a conformed copy of the executed Interconnection Agreement by and between him and the Mountain States Telephone and Telegraph Company, identified as Exhibit B herein, within twenty (20) days of the effective date of the Order herein.
- (3) That Applicant shall file his Tariff Colorado PUC No. 1 containing his service offering, rates, rules and regulations as set forth on Exhibit E herein, on the forms as prescribed by this Commission, in accordance with Rule 20 of the Rules of Practice and Procedure within twenty (20) days of the effective date of this Order.
- (4) That Applicant shall maintain adequate books of accounts as prescribed by this Commission, and shall file his annual report with this Commission on forms furnished by this Commission together with a copy of his annual report as furnished to the Federal Communications Commission.
- (5) That Applicant shall conduct his services in accordance with the rules and regulations of the Federal Communications Commission as set forth in Part 21, Volume VII, of said rules, until further direction of this Commission.
- (6) That this Order shall become effective twenty-one (21) days from date."

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:

1. That public convenience and necessity requires and will continue to require Applicant, L. B. Shaw, doing business as "Mobile Radio Communications Service," Durango, Colorado, to furnish Two-Way Domestic Public Land Mobile Radio Service in portions of the County of La Plata, as more particularly set forth on Applicant's Exhibit C, a copy of which is attached hereto and made a part hereof by reference, and this ORDER shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. That Applicant shall file a conformed copy of the executed Interconnection Agreement by and between him and the Mountain States Telephone and Telegraph Company, identified as Exhibit B herein, within twenty (20) days of the effective date of the Order herein.


3. That Applicant shall file his Tariff Colorado PUC No. 1, containing his service offering, rates, rules and regulations, as set forth on Exhibit E herein, on the forms as prescribed by this Commission, in accordance with Rule 20 of the Commission Rules of Practice and Procedure within twenty (20) days of the effective date of this Order.

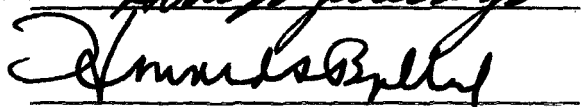
4. That Applicant shall maintain books of accounts as prescribed by this Commission, and shall file his annual report with this Commission on forms furnished by this Commission together with a copy of his annual report as furnished to the Federal Communications Commission.

5. That Applicant shall conduct his services in accordance with the Rules and Regulations of the Federal Communications Commission, as set forth in Part 21, Volume VII of said rules, until further direction of this Commission.

6. That this Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

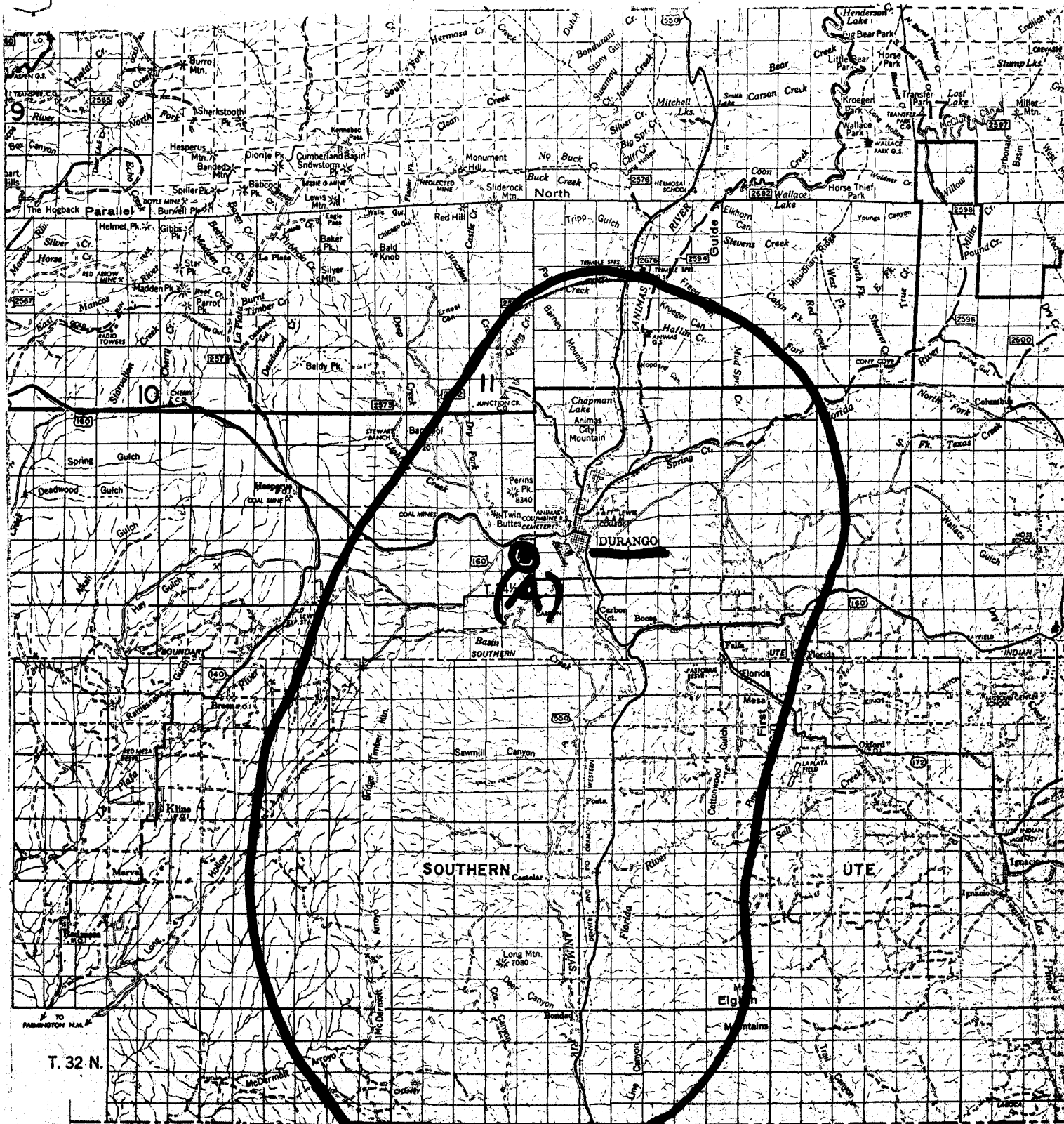






Commissioners

Dated at Denver, Colorado,
this 14th day of May, 1968
et



PROPOSED
37 DBU CONTOUR

6 7 8 9

Longitude west from Greenwich

(Exhibit C, 23017 2-21-63 309)

(Decision No. 71313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
A. L. ATWOOD, ROUTE 1, FORT MORGAN,) CASE NO. 5360
COLORADO, UNDER PERMIT NO. B-821.)

May 15, 1968

Appearances: John H. Lewis, Esq., Denver,
Colorado, for A. L. Atwood,
Respondent;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Respondent is the owner and operator of Permit No. B-821 which authorizes transportation of freight between points in the State of Colorado, restricted to conduct business from an office in Fort Morgan, Colorado, only. After an investigation by the Staff of the Commission, the Commission entered Decision No. 70730 on January 16, 1968, ordering the Respondent to show cause why the Commission should not order a penalty for alleged violations by the Respondent of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire, in particular for Leasing equipment and employing drivers with compensation on a percentage basis dependent upon gross receipts per trip, contrary to Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle For Hire.

The Respondent entered into a Stipulation and Agreement with the Staff of the Commission by and through counsel for both parties wherein Respondent stipulated and agreed, to-wit:

"That Respondent admits to such violations in the following particulars, to-wit:

- (a) That said violations have occurred over a period of from January 1966, to and until February 1968.
- (b) That at least four (4) lessors have been involved, namely, Robert Bell, Cecil Forbes, Keith Wiley and Orthe Brown.
- (c) That percentages varied from 25 percent to 33 1/3 percent of gross receipts.
- (d) That approximately one-third (1/3) of Respondent's entire business was conducted by and through this type of leasing arrangement.
- (e) That the above and foregoing is contrary to Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle For Hire.

That Respondent makes these admissions with full knowledge of possible consequences, but nevertheless places himself upon the mercy of the Commission to take such action and to 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."

At the hearing the above-mentioned Stipulation and Agreement was tendered in evidence as Exhibit A, which Exhibit was received.

The Respondent testified that he has owned the Permit since about 1950 and has engaged in the transportation business since 1934 in Fort Morgan area; that the alleged violations which he admitted in the Stipulation and Agreement occurred over a period of from January 1966 to February 1968; that he leases equipment and has his own equipment, having six trucks and trailers of various types; that he paid the drivers of the equipment on a percentage basis and put such drivers on the payroll basis for Social Security taxes, etc.; that he controlled the drivers; that his main occupation is the transportation business; that his annual gross earnings have been about \$250,000, but his net annual income has been approximately \$15,000; that he tried to consult with the Staff of the Commission the outcome of which was not satisfactory; that he consulted with his attorney after the Show Cause Order was served concerning his methods of operation; that he has been abiding by the law since then.

The Commission finds that the Respondent is guilty of the alleged violations; that the Respondent having had many years of experience

in the transportation business was either better informed than he claims or deliberately violated the law; that under the facts herein the following Order should be entered.

O R D E R


THE COMMISSION ORDERS:

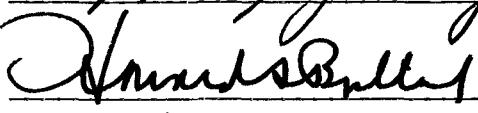
That the authority of Respondent, A. L. Atwood, being Permit No. B-821, be, and the same hereby is, revoked and cancelled as of July 1, 1968; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of Two Thousand Five Hundred Dollars (\$2,500.00) to the Treasurer of the State of Colorado, on or before July 1, 1968, for the use and benefit of the State of Colorado, under and pursuant to the provisions of the Public Utilities Act, in which event if said full payment be made as hereinabove set forth and evidence of payment be furnished to the Commission, the said revocation and cancellation of said authority shall be null and void and of no effect and said authority shall be fully operative.


That the Respondent, A. L. Atwood, be, and hereby is, ordered to Cease and Desist from leasing equipment on a percentage basis contrary to Rule 12 (b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for hire under Permit No. B-821.

That this Order shall become effective twenty-one (21) days from date.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 15th day of May, 1968.

1s

(Decision No. 71314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TIM GALLAGHER, ROUTE 2, ALAMOSA,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 23103-PP

May 15, 1968

Appearances: Tim Gallagher, Alamosa,
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 8, 1968, 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

(1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways,

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five (75) miles of said pits and supply points;

(2) 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 seventy-five (75) miles of said pits and supply points;

(3) Sand, gravel, dirt, stone, and refuse

From and to building construction jobs, to and from points within a radius of seventy-five (75) miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points;

RESTRICTION:

Items 1, 2, 3 and 4 are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Ashes

From the Public Service Company steam plant in Alamosa, Colorado, to designated and approved dumps and disposal sites in Alamosa County, Colorado."

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 Tim Gallagher, Alamosa, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

(1) Sand, gravel, and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of seventy-five (75) miles of said pits and supply points.

(2) 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 seventy-five (75) miles of said pits and supply points.

(3) Sand, gravel, dirt, stone, and refuse

From and to building construction jobs, to and from points within a radius of seventy-five (75) miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of seventy-five (75) miles of said pits and supply points.

RESTRICTION:

This Permit is restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Ashes

From the steam plant of the Public Service Company of Colorado located at Alamosa, Colorado to designated and approved dumps and disposal sites in the County of Alamosa, State of Colorado;

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


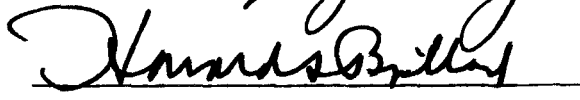

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until applicant has filed 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 15th day of May, 1968.

1s

(Decision No. 71315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARRY R. SCHOWALTER, ROUTE 1, BOX)
123 C, BERTHOUD, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 6946)
TO MAURICE G. BURGESS, 821 - 8TH)
STREET, BOX 157, BERTHOUD, COLORADO.)

APPLICATION NO. 23114-Transfer

May 15, 1968

Appearances: Frank E. Starkey, Esq., Berthoud,
Colorado, for Transferor and
Transferee.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On April 1, 1968, the above-entitled application was filed requesting authority to transfer Certificate PUC No. 6946.

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. Transferor herein is the present owner and operator of PUC No. 6946, which is the subject of this proceeding.
2. This authority has been continually operated in the past and is presently in good standing with the Commission.
3. Transferee herein holds no previously granted authority from this Commission.
4. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
5. The Certificate 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 as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 6946 to Maurice G. Burgess, and that henceforth the full and complete authority under said PUC No. 6946 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse;

From the Town of Berthoud, Colorado, and a five (5) mile radius thereof, to regularly designated and approved dumps and disposal sites located within Weld and Larimer Counties, State of Colorado."

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 Harry R. Schowalter, Berthoud, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate PUC No. 6946, to Maurice G. Burgess, Berthoud, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under PUC No. 5946 shall read and be as follows, to-wit:

Transportation of

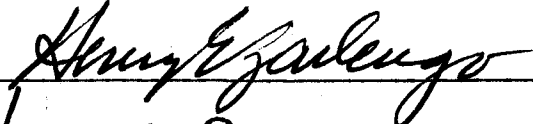
Ashes, trash and other refuse

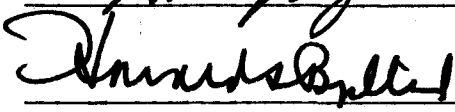
From the Town of Berthoud, Colorado and a five (5) mile radius thereof to regularly designated and approved dumps and disposal sites located within the following Counties in the State of Colorado: Weld and Larimer.


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.

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 15th day of May, 1968.
ls

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RONALD LEE POWELL AND VELTA POWELL,)
DOING BUSINESS AS "FAST TAXI SERVICE")
ROUTE 1, MONTROSE, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 1648 TO)
PAUL A. SALE, DOING BUSINESS AS)
"FAST TAXI SERVICE," 747 SOUTH EIGHTH)
STREET, MONTROSE, COLORADO.)

APPLICATION NO. 23160-Transfer

May 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

San Juan Scenic Jeep Tours by its Attorney John R. Barry, filed a Motion to Intervene and Protest in the above-captioned proceeding and caused copies of said Motion to be served by mail upon parties of record in this proceeding.

The Commission states and finds that applicant for intervention, San Juan Scenic Jeep Tours, 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.

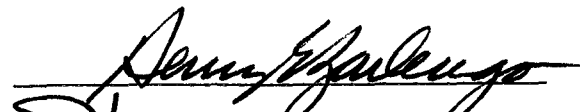
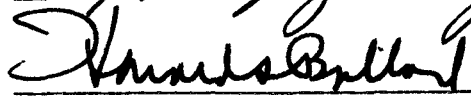

ORDER

THE COMMISSION ORDERS:

That Motion to Intervene and Protest of San Juan Scenic Jeep Tours 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 15th day of May, 1968

et

(Decision No. 71317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS CENTRAL AIRLINES, INC., A)
COLORADO CORPORATION, TERMINAL BUILD-)
ING, STAPLETON INTERNATIONAL AIRPORT,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING OPERATION AS A SCHEDULED)
COMMON CARRIER BY AIRPLANE FOR THE)
TRANSPORTATION OF PERSONS AND)
PROPERTY, ON SCHEDULE, FROM, TO AND)
BETWEEN THE FOLLOWING POINTS IN THE)
STATE OF COLORADO: DENVER, PUEBLO)
AND TRINIDAD.)

APPLICATION NO. 23108

May 15, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Vail Airways, Inc., by its Attorneys Schneider, Shoemaker, Wham and Cooke, 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, Vail Airways, Inc., 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.

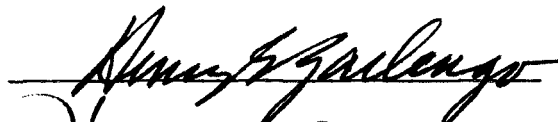
ORDER

THE COMMISSION ORDERS:

That Petition for Leave to Intervene of Vail Airways, Inc. as its interest may appear, be, and 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 15th day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES R. BRIDGE, DOING BUSINESS AS)
BRIDGE TRUCKING, BOX 8, FRASER,) APPLICATION NO. 23086-PP
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

May 17, 1968

Appearances: Charles R. Bridge, Fraser,
Colorado, pro se;
Warren D. Braucher, Esq., Denver,
Colorado, for Rio Grande Motor
Way, Inc., and Larson Trans-
portation Company, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 8, 1968, 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 -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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:

PRELIMINARY MATTERS, MOTIONS, ETC.

Prior to the hearing Applicant moved to amend his entire application so as to provide:

"Transportation of (1) Lumber from Fraser, Colorado, to Denver, Colorado, and (2) Building materials from Denver, Colorado, to Fraser, Colorado";

which amendment being restrictive in nature was granted, whereupon Protestants withdrew their protests but remained parties of record for the purpose of receiving a copy of the Order only.

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, doing business as Bridge Trucking.
2. Applicant does not hold previously granted authority from this Commission; however, he previously held Permit No. B-5071 and in the granting of this authority, this number should be reassigned to him.
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 a Permit to the Applicant to operate as a private carrier by motor vehicle for hire, and that the authority be designated as Permit No. B-5071, which authority shall be as follows:

"Transportation of

(1) Lumber

From Fraser, Colorado, to Denver, Colorado;

(2) Building materials

From Denver, Colorado, to Fraser, Colorado."

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 Charles R. Bridge, doing business as "Bridge Trucking," Fraser, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier motor vehicle for hire for the following:

Transportation of

(1) Lumber

From Fraser, Colorado to Denver, Colorado.

(2) Building materials

From Denver, Colorado to Fraser, Colorado.

That the above Class "B" motor vehicle private carrier operations shall be designated and assigned the number "B-5071," 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 17th day of May, 1968.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
)	
TONY MACCHIONE dba)	
RIFLE CAB SERVICE	)	<u>PUC NO. 1787</u>
BOX 1109)	
RIFLE, COLORADO 81650)	

May 17, 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

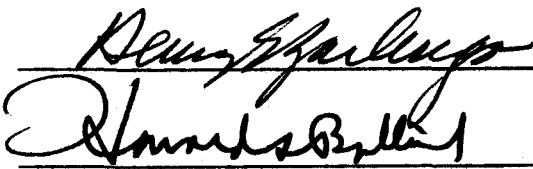
THE COMMISSION ORDERS:


That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from April 10, 1968 to and including October 10, 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





Commissioner

Dated at Denver, Colorado,
this 17th day of May 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
GRANT BURGER)
BOX 56)
KREMMLING, COLORADO 80459)

PERMIT NO. B-6983

May 17, 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 May 5, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry E. Zurlings
Norman R. Bell
Ed. R. Lantry
Commissioners

Dated at Denver, Colorado,
this 17th day of May 1968

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)

Ray H. Martin
9932 Santa Anita
Montclair, California 91763

AUTHORITY NO. 4911-I

CASE NO. 962-H-Ins

May 17, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 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.




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




Commissioners

Dated at Denver, Colorado, this

17th day of May, 1968 . rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DENNIS D. SMITH, DOING BUSINESS AS)	
"SMITH TRUCK LINE," 2610 FAIRMOUNT,)	<u>APPLICATION NO. 22885-PP-Extension</u>
COLORADO SPRINGS, COLORADO, FOR)	
AUTHORITY TO EXTEND OPERATIONS UNDER)	
PERMIT NO. B-2209.)	

May 20, 1968

Appearances: Mervin A. Ziegler, Esq., Colorado Springs, Colorado, for Applicant; Leonard Wallden, Parker, Colorado, for Hill Top Denver Truck Line, Protestant; Walter Koepke, Deer Trail, Colorado, for Koepke Truck Lines, Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 26, 1967, the above-entitled application was filed requesting authority to extend operations under Permit No. B-2209 in the precise manner as fully 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 -- 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 -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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 doing business as "Smith Truck Line," who presently holds authority under Permit No. B-2209.
2. By Decision No. 66621, dated January 14, 1966, Applicant's authority under Permit B-2209 was extended and clarified to the extent that following said Order the entire authority under Permit B-2209 was as follows:

"The transportation of milk and dairy products in the following described area: All of Elbert County; all that part of El Paso County lying North of U. S. Highway No. 24; all of Douglas County lying East of the South Platte River, to receiving plants in and around the Colorado Springs area."
3. Even though the authority in Decision No. 66621, as above described, was intended to be an extension of other authority, Applicant Dennis D. Smith, doing business as "Smith Truck Line," has in fact abandoned all other authority and further, Applicant agrees that the above and foregoing description is in fact his entire authority.
4. The authority to which extension is hereby sought, namely, Permit B-2209, has been continually operated in the past and is presently in good standing with the Commission.
5. By the application of extension, Applicant seeks to extend Permit B-2209 so as to permit "transportation of milk from points presently authorized under Permit B-2209 to receiving stations in and around the Denver Metropolitan area."
6. Applicant previously hauled milk to outlets in Colorado Springs to Intermountain Dairyman, Inc. However, Intermountain Dairyman, Inc. has merged with the Denver Milk Producers, Inc. and the receiving plant is located in Denver, Colorado.
7. Denver Milk Producers, Inc. designates where its milk is to be unloaded and Applicant, therefore, has no choice but to deliver his milk to the receiving plant in the Denver Metropolitan area.
8. If this extension were granted to Applicant he would pick up in the same area as before and have the same customers and would therefore not create additional competition.
9. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by applicant.
10. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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 or will make adequate provision for insurance.
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.
13. 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.
14. The granting of the extension will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit B-2209 to permit in addition to his present authority delivery:

"To receiving plants in the Counties of Adams, Arapahoe, Denver and Jefferson."

That henceforth the entire authority under Permit No. B-2209 shall be as follows:

"Transportation of

Milk and dairy products

From the following-described area: All of Elbert County; all that part of El Paso County lying north of U.S. Highway No. 24; all of Douglas County lying east of the South Platte River, to receiving plants in and around the Colorado Springs area and to receiving plants in the Counties of Adams, Arapahoe, Denver and Jefferson."

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 Dennis D. Smith, doing business as "Smith Truck Line,"

Colorado Springs, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-2209 to include the following:

Transportation of

Milk and dairy products

To processing plants in the following Counties of the State of Colorado: Adams, Arapahoe, Denver and Jefferson.

That henceforth the full and complete authority under Permit No. B-2209 as extended shall read and be as follows, to-wit:

Transportation of

Milk and dairy products

From (1) Elbert County (2) that part of El Paso County lying north of U. S. Highway No. 24 and (3) all of Douglas County lying east of the South Platte River to (1) processing plants in and around the Colorado Springs area and (2) to processing plants in the following Counties in the State of Colorado: Adams, Arapahoe, Denver and Jefferson,

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 20th day of May, 1968.

sl

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
EVEREADY FREIGHT SERVICE, INC.,)
BUENA VISTA, COLORADO, TO TRANSFER TO)
ComFURT GAS, INCORPORATED, A COLORADO)
CORPORATION, BUENA VISTA, COLORADO,)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY AUTHORIZING EXERCISE OF)
FRANCHISE RIGHTS GRANTED BY ORDINANCE)
NO. 192 OF THE TOWN OF BUENA VISTA,)
COLORADO, DATED NOVEMBER 6, 1962, FOR)
THE DISTRIBUTION AND SALE OF GAS)
EITHER NATURAL, ARTIFICIAL OR MIXED,)
IN SAID TOWN BY EVEREADY FREIGHT)
SERVICE, INC.)

APPLICATION NO. 23100-Transfer

IN THE MATTER OF THE APPLICATION OF)
ComFURT GAS, INCORPORATED, A COLO-)
RADO CORPORATION, BUENA VISTA, COLO-)
RADO, FOR APPROVAL OF THE FINANCING)
ARRANGEMENT FOR THE PURCHASE BY THE)
APPLICANT OF THE CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY OF)
EVEREADY FREIGHT SERVICE, INC.,)
AUTHORIZING EXERCISE OF FRANCHISE)
RIGHTS GRANTED BY ORDINANCE NO.192)
OF THE TOWN OF BUENA VISTA, COLORADO,)
DATED NOVEMBER 6, 1962, FOR THE)
DISTRIBUTION AND SALE OF GAS, EITHER)
NATURAL, ARTIFICIAL OR MIXED, IN)
SAID TOWN BY EVEREADY FREIGHT SERVICE)
INC.)

APPLICATION NO. 23151-Securities

May 17, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The above-entitled applications are presently set for hearing before the Commission at 10:00 A.M., May 20, 1968, at Denver, Colorado.

On May 14, 1968, the Commission received a written request from Herbert M. Boyle, Attorney for the Applicants herein, requesting that said hearing be vacated to be set at a later date.

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

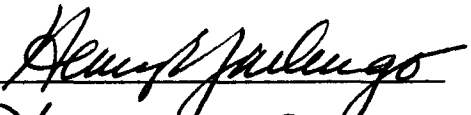
THE COMMISSION ORDERS:

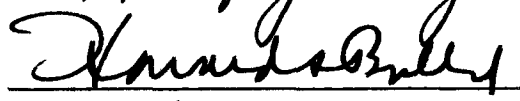
That hearing on the above-styled matters presently set for May 20, 1968, at Denver, Colorado, be, and the same hereby is, vacated.


That said matters be, and the same hereby are, reset for hearing before the Commission at 10:00 A.M., June 12, 1968, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That the rendering of a Decision in Application No. 23151-Securities be, and the same hereby is, continued to and including July 11, 1968.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 17th day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
GERALD F. PERRY dba)	
PERRY SALES	)	<u>PERMIT NO. M-731</u>
122 OAK)	
EATON, COLORADO)	

May 20, 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 May 17, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Alvin S. Fairbanks
Harold B. Bullard
John R. Lundberg
 Commissioners

Dated at Denver, Colorado,
this 20th day of May 1968
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
ALBERTSON'S, INC.
BOX 20
BOISE, IDAHO 83701

* * *
)
)
)
)

PERMIT NO. M-15649

May 20, 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 May 13, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Gallego
Donald B. Bell
Ed R. Ludlow
Commissioners

Dated at Denver, Colorado,
this 20th day of May 1968
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
)	
THE PLASTEX COMPANY)	
3232 Cleveland Ave.)	
Columbus, Ohio 43224		)	<u>PERMIT NO. M-7033</u>

May 20, 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 May 7, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Stanley G. ...

Donald B. ...

Ed R. ...

 Commissioners

Dated at Denver, Colorado,
this 20th day of May 1968
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

	* * *	
RE: MOTOR VEHICLE OPERATIONS OF)	
MORRIS J. McDANIEL dba)	
EVERGREEN LUMBER COMPANY	)	<u>PERMIT NO. M-2442</u>
BOX 40)	
EVERGREEN, COLORADO 80439)	

May 20, 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.

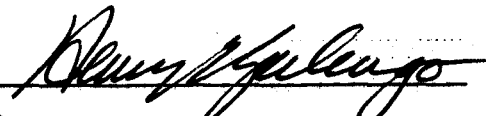
O R D E R

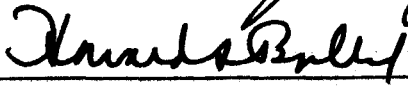
THE COMMISSION ORDERS:


That the above-entitled authority be, and the same hereby is, cancelled effective May 5, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 20th day of May 1968
s1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF CORRECTING THE)
DIVIDING LINE SEPARATING PLAINS)
AND MOUNTAIN TERRITORIES FOR)
TRANSPORTATION OF FREIGHT VIA)
MOTOR VEHICLE CARRIERS FOR-HIRE)
IN THE STATE OF COLORADO)

CASE NO. 1585

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 24, 1968, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, as Agent, filed 4th Revised Page No. 88 to Local and Joint Freight Tariff No. 12-A, Colorado PUC No. 11>(*The Motor Truck Common Carriers' Association, Agent, Series) amending Item No. 810 (Description of Plains and Mountain Territories) to conform more to the description of highway designations and points of reference thereon as reflected in the current Colorado State Highway Map.

The changes therein were brought about because of complaints to the Commission that the present description is outdated, and that it is difficult to locate certain points as designated since the current map no longer utilizes the same highway designation of points along the line separating the state in two parts (mountain and plains) from north to south, as when the item was first formulated.

The Rate Department of the Commission directed a letter dated March 15, 1968, to the Colorado Motor Carriers' Association and stated, in part, as follows:

"It is our suggestion that the suggested wording be considered as an informal matter at your next rate committee meeting, or perhaps a copy could be circulated among the different carrier groups, for their approval or suggestions. There may be other minor changes or adjustments which the carriers will

suggest. A docket should then be approved for one of the tariffs (probably 12-A) so that we could prescribe the description in Case No. 1585 for all common and private carriers."

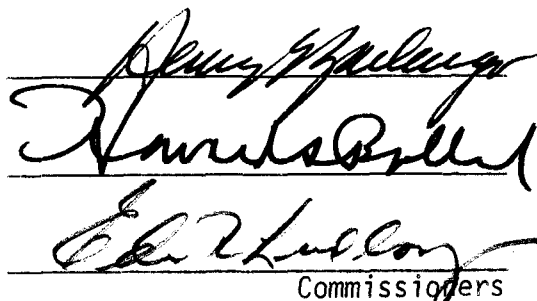
Since the changes set forth in Appendix "A" attached hereto appear to represent no increase or reduction in rates and charges, nor any major adjustment of land locations in or out of Plains or Mountain territories to adversely affect shippers or for-hire carriers, the Commission states and finds that 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.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" be, and they are hereby, 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 and private carriers who are affected by the changes prescribed herein shall publish, or cause to be published, tariffs reflecting the changes herein.
4. 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.
5. That this order shall become effective forthwith.
6. 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
1st day of May, 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)

Issued: April 24, 1968
Effective: May 31, 1968

4th REVISED PAGE No. 88

RULES AND REGULATIONS

Item No.	Application
----------	-------------

DESCRIPTION OF PLAINS AND MOUNTAIN TERRITORIES:

Plains Territory shall constitute that territory lying on and east of the following described line:

- 810 © Beginning at a point on the Colorado-Wyoming State Line five miles west of U. S. Highway 287; thence south via airline to Masonville; thence south along unnumbered road to junction of same with U. S. Highway 34 (west of Loveland); thence via airline to Lyons; thence via Colorado Highway 7 to Boulder; thence via Colorado Highway 93 through Golden to Morrison; thence via airline to junction of Colorado 67 and 105 (west of Sedalia); thence via Colorado Highway 105 to Palmer Lake and connection with Interstate Highway 25; thence along Interstate Highway 25 to its junction with Colorado Highway 83; thence via airline distance to junction of county highway approximately 2 miles east of Manitou Springs, including Manitou Springs, Stratton Park District (northwest of Broadmoor District adjoining thereto) and Broadmoor District; thence via Colorado Highway 115 to its junction with U. S. Highway 50; thence via U. S. Highway 50 to Canon City; thence via airline through Wetmore, Beulah and Colorado City to Interstate Highway 25; thence along Interstate Highway 25 through Walsenburg to Trinidad; thence west along Colorado Highway 12 to Stonewall; thence via airline due south to the Colorado-New Mexico State Line.

Mountain Territory shall constitute that portion of the state west of the above-described line.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
FRED L. HAMILTON DBA)
HAMILTON FARMS)
8520 West 120th)
Broomfield, Colorado 80020)

AUTHORITY NO. M 5080
CASE NO. 2984-M-Ins.

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 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 H. Galloway
Harold B. Bull
Ed R. Lally
Commissioners

Dated at Denver, Colorado, this
21st day of May, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GEORGE BENNETT, WILLIAM A. WHITE AND)
RAYMOND CARR, DOING BUSINESS AS)
"BENNETT & WHITE TRUCKING," 617-21ST)
STREET, GREELEY, COLORADO, FOR AUTH-)
ORITY TO TRANSFER PERMIT NO. B-6222)
TO GEORGE BENNETT AND WILLIAM A.)
WHITE, DOING BUSINESS AS "BENNETT &)
WHITE TRUCKING," 617-21ST STREET,)
GREELEY, COLORADO.)

APPLICATION NO. 23105-PP-Transfer

May 21, 1968

Appearances: David L. Kofoed, Esq., Denver,
Colorado, for Applicants;
T. Peter Craven, Esq., Denver,
Colorado, for Colorado Milk
Transport, Inc.; Welco Milk
Lines, Inc.; E. Bannabel Davis
and Frederic A. Bethke, d/b/a
Consolidated Lines, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 26, 1968, the above-entitled application was filed requesting authority to transfer Permit No. B-6222.

After due and proper notice to all interested persons, firms or corporations, the application was heard by William D. Mitchell -- duly designated by the Commission -- 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 -- at the hearing -- the herein application was protested by the carriers as indicated in the Appearance section of this Decision.

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:

PRELIMINARY MATTERS, MOTIONS, ETC.

Stipulation was made and approved regarding a restrictive amendment, as follows:

"Farm products (excluding milk and cream in bulk and livestock)"

and, upon acceptance of this restrictive amendment by your Examiner, the Protestants withdrew.

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 is a partnership.
2. Transferor herein is the present owner and operator of Permit No. B-6222, which is the subject of this proceeding.
3. This authority has been continually operated in the past and is presently in good standing with the Commission.
4. Applicants, George Bennett and William A. White, doing business as "Bennett & White Trucking," presently hold authority from this Commission under PUC No. 2651-I and M-424; however, there is no duplication of authority involved herein.
5. The sole purpose of this transfer is to delete the name of Raymond Carr from the partnership, since Mr. Carr has now left Bennett & White Trucking Company and has no interest in the permit. There is, therefore, no sales agreement involved herein and no monetary consideration changed hands for this transfer.
6. The Permit is free and clear of any debts, encumbrances or obligations.
7. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
8. Transferees, George Bennett and William A. White, 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 they have or will make adequate provision for insurance.
9. The transfer will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferor to transfer all of its right, title and interest in and to Permit No. B-6222 to George Bennett and William A. White, doing business as "Bennett & White Trucking," and that henceforth the full and complete authority under said Permit No. B-6222 shall read as follows, to wit:

"1. Transportation of

Potatoes and onions

From packing sheds within a fifteen (15) mile radius of Greeley, Colorado to produce dealers in Denver, Colorado Springs and Pueblo, Colorado.

2. Transportation of

Potatoes and onions

For one customer, only, viz., Chipped Potatoes, Inc., Greeley, Colorado, from their packing shed located west of Fort Morgan, Colorado to produce dealers in Denver, Colorado Springs and Pueblo, Colorado.

3. Transportation of

Farm products (excluding milk and cream in bulk and livestock)

From points within a fifty (50) mile radius of Greeley, Colorado to Greeley, Colorado."

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 George Bennett, William A. White and Raymond Carr, doing business as "Bennett & White Trucking," Greeley, Colorado, be and hereby are, authorized to transfer all right, title and interest in and to Permit No. B-6222 to George Bennett and William A. White, doing business as "Bennett & White Trucking," Greeley, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Permit No. B-6222 shall read and be as follows, to-wit:

Transportation of

- (1) Potatoes and onions

From packing sheds within a fifteen (15) mile radius of Greeley, Colorado to produce dealers in Denver, Colorado, Colorado Springs, Colorado and Pueblo, Colorado.

- (2) Potatoes and onions

From packing sheds located west of Fort Morgan, Colorado to produce dealers in Denver, Colorado, Colorado Springs, Colorado and Pueblo, Colorado.

RESTRICTION:

To service for only the Chipped Potatoes, Inc. located at Greeley, Colorado.

- (3) Farm products (excluding milk and cream in bulk and livestock)

From points within a fifty (50) mile radius of Greeley, Colorado to Greeley, Colorado.


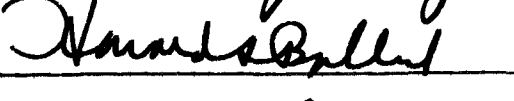

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is the permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, 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 21st day of May, 1968.

(Decision No. 71332)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
NELSON N. JAY, JR., 2105 51ST)
AVENUE, GREELEY, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 23093-PP
SUPPLEMENTAL ORDER

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 9, 1968, the Commission entered Decision No. 71287 in the above-entitled matter, dismissing Application No. 23093-PP for failure to prosecute.

On May 15, 1968, the Commission received a written communication from the Applicant herein, Nelson N. Jay, Jr., stating that he had never been notified of the hearing with regard to the above-entitled matter.

In view of the above and foregoing, the Commission states and finds that Decision No. 71287 should be vacated and set aside and that Application No. 23093-PP should be reset for hearing as set forth in the Order following.

O R D E R

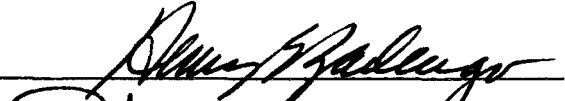
THE COMMISSION ORDERS:


That Decision No. 71287 dated May 9, 1968, be, and the same hereby is, vacated, set aside and held for naught.


That Application No. 23093-PP be, and the same hereby is, reset for

hearing at 10:00 A.M., on June 5, 1968, at 507 Columbine Building,
Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1968
et

(Decision No. 71333)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
FRANK R. DRAGER, DOING BUSINESS AS)
"DRAGER TRANSFER AND STORAGE)
COMPANY," 105 EAST LINCOLN AVENUE,)
FORT COLLINS, COLORADO, FOR AUTHOR-)
ITY TO TRANSFER PERMIT NO. A-623)
TO ENGLEWOOD TRANSIT COMPANY, A COLO-)
RADO CORPORATION, 1125 WEST 46TH)
AVENUE, DENVER, COLORADO.)

APPLICATION NO. 22884-PP-Transfer
SUPPLEMENTAL ORDER

May 21, 1968

Appearances: Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, and
T. Peter Craven, Esq., Denver,
Colorado, for Transferor and
Transferee;
John P. Thompson, Esq., Denver,
Colorado, for Edson Express, Inc.;
Denver-Laramie-Walden Truck Line,
Inc.; Denver-Loveland Transporta-
tion Inc.; and Overland Motor
Express, Inc., d/b/a Boulder-Denver
Truck Line, Protestants;
Lloyd C. Espinosa, Denver, Colorado,
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 9, 1968, the Commission entered Decision No. 70863 in the above-entitled matter, and on page 5 of said Decision prescribed a definition of the term "customer."

On May 6, 1968, the Contract Carriers Conference of the Colorado Motor Carriers' Association, A. T. Burbridge Truck, Inc., and Bill Clark Truck Line, Inc. by and through their Attorney, John J. Conway, filed a "Petition to Alter or Amend Decision No. 70863 dated February 9, 1968, or in the Alternative to Rescind said Decision or a Portion Thereof and Institute Proper Rule-Making Procedures."

The Commission has carefully considered said Petition and states and finds that said Petition should be set for hearing as set forth in the Order following.

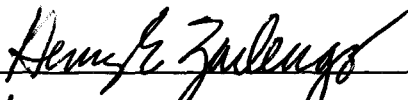
O R D E R

THE COMMISSION ORDERS:

That the Petition filed with the Commission herein by the Contract Carriers Conference of the Colorado Motor Carriers' Association, A. T. Burbridge Truck, Inc. and Bill Clark Truck Line, Inc., by and through their Attorney, John J. Conway, be, and the same hereby is set for hearing as follows:

Date: June 21, 1968
Time: 10:00 o'clock A.M.
Place: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER-BOULDER BUS COMPANY, 824)
CONTINENTAL OIL BUILDING, DENVER,)
COLORADO, FOR THE ABANDONMENT OF)
SCHEDULED OPERATIONS UNDER THAT)
PORTION OF PUC NO. 43 AND PUC NO.)
43-I WHICH AUTHORIZES SERVICE BETWEEN)
BOULDER AND DENVER AND INTERMEDIATE)
POINTS (A) VIA SOUTH BOULDER ROAD)
FROM BOULDER TO U. S. HIGHWAY 287 (B))
VIA LOUISVILLE AND THE HIGHWAYS)
CONNECTING LOUISVILLE TO SOUTH)
BOULDER ROAD, AND U. S. HIGHWAY 287)
AND (C) VIA U. S. HIGHWAY 287)
BETWEEN LAFAYETTE AND THE INTER-)
SECTION OF SAID HIGHWAYS WITH THE)
DENVER-BOULDER TURNPIKE.)

APPLICATION NO. 22969-Abandonment
SUPPLEMENTAL ORDER

May 21, 1968

Appearances: David C. Butler, Esq., Denver,
Colorado, for Applicant;
Paul A. Morris, Esq., Boulder,
Colorado, for the City of
Louisville, Colorado,
Protestant;
Robert L. Pyle, Esq., Denver,
Colorado, for the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 24, 1968, the Commission entered Decision No. 71219 in the above-entitled matter.

On May 14, 1968 "Petition for Rehearing," was filed with the Commission by the Applicant, Denver-Boulder Bus Company, by its Attorney David Butler.

The Commission has carefully considered Petition for Rehearing filed herein, and each and every allegation thereof, and is of the opinion, and finds that said Petition should be denied.

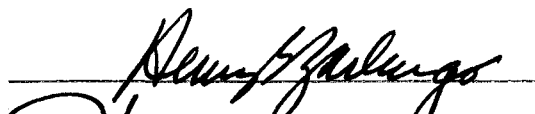
O R D E R

THE COMMISSION ORDERS:

That Petition for Rehearing filed with the Commission by the Applicant herein 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 21st day of May, 1968

et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
Raymond E. Klehn)
3 Elizabeth Court)
Longmont, Colo. 80501)

AUTHORITY NO. B-4488
CASE NO. 967-H-Ins

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 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.

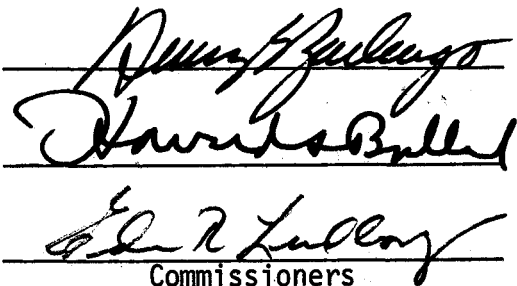
ORDER

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


Commissioners

Dated at Denver, Colorado, this
21st day of May, 1968 . rs

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)	
CERTIFICATE NO. 2359 & I)	CASE NO. 1-AR
BY: MR. H. K. KEESE)	<u>NOTICE OF HEARING</u>
BOX 1995)	<u>AND</u>
FARMINGTON, N. M. 87401)	<u>ORDER TO SHOW CAUSE</u>
Respondent.)	

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file Annual Report for calendar year of 1967 as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 507, Columbine Building, 1845 Sherman Street, Denver, Colorado,



at 10:00 o'clock A. M., on June 25, 1968, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado
this 21st day of May, 1968.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 3398)
BY: MERCHANTS TRANSFER & STORAGE CO.)
795 SOUTH JASON STREET)
DENVER, COLORADO 80223)
Respondent.)

CASE NO. 2-AR
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file Annual Report for calendar year of 1967 as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 507, Columbine Building, 1845 Sherman Street, Denver, Colorado,



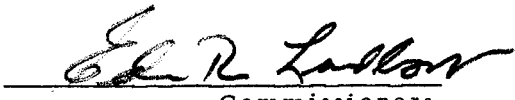
at 10:00 o'clock A. M., on June 25, 1968, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1968.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE: MOTOR VEHICLE OPERATIONS UNDER)
CERTIFICATE NO. 3967 & I)
BY: HUGH BREEDING INC.)
P. O. BOX 9515)
TULSA, OKLAHOMA)
Respondent.)

CASE NO. 3-AR
NOTICE OF HEARING
AND
ORDER TO SHOW CAUSE

May 21, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore the above named respondent was issued the above captioned and numbered operating rights to engage in the business of a motor vehicle carrier. The files and records of the Commission disclose that said respondent has violated the law and the Rules and Regulations of the Commission by failing and neglecting to file Annual Report for calendar year of 1967 as required, and that said respondent is now conducting motor vehicle operations under said operating rights in violation of said law, Rules and Regulations.

The Commission states and finds that unless the above named respondent files with the Commission the above stated matter or shows cause why the above captioned and numbered operating rights should not be revoked for failing to comply therewith on or before the date set for the hearing of this case, the Commission will (1) enter an order without further notice revoking said respondent's operating rights for said violation and (2) determine what other appropriate orders and penalties should be entered.

O R D E R

THE COMMISSION ORDERS:

That this case be, and the same hereby is, set down for hearing in Room 507, Columbine Building, 1845 Sherman Street, Denver, Colorado,


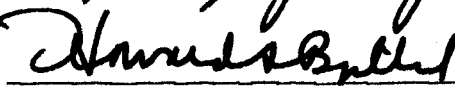

at 10:00 o'clock A. M., on June 25, 1968, at which time and place proper evidence may be presented.

That, unless respondent shall have filed the matter as herein and above set forth or show cause why the above captioned and numbered operating rights should not be revoked for the herein described violation on or before the date and time for the hearing as specifically set forth above, the operating rights of the respondent shall be revoked; and

That other orders and penalties as may be appropriate be entered.

(SEAL)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of May, 1968.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
VAIL LIMOUSINE SERVICE, INC.,)
515 MAJESTIC BUILDING)
DENVER, COLORADO 80202)
-----)

PUC NO. 6808

May 22, 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 November 15, 1967.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Henry Spalingo
Harold B. Kelly
Ed. R. Lullay
Commissioners

Dated at Denver, Colorado,
this 22nd day of May 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF INCREASED CHARTER)
COACH CHARGES, NATIONAL BUS TRAFFIC)
ASSOCIATION, INC., AGENT, CHARTER)
COACH TARIFF NO. A-405, COLORADO)
PUC NO. 145)

Investigation and Suspension
Docket No. 608

May 23, 1968

STATEMENT

BY THE COMMISSION:

On April 24, 1968 and May 9, 1968, the National Bus Traffic Association, Inc., Agent, P. J. Campbell, Chairman, 506 So. Wabash Avenue, Chicago, Illinois 60605, filed Fifth Revised Page B-2, Original Page C-7, First Revised Page C-7, and Eighth Revised Pages B-3 and B-4 to Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145, on behalf of the motor vehicle common carriers of passengers participating therein, making changes in the table numbers to be used in determining the charges under Sections B and C of the tariff, scheduled to become effective May 25, 1968, and June 25, 1968. The changes in table numbers result in increased charges for intrastate charter coach movements within the State of Colorado.

FINDINGS

THE COMMISSION FINDS:

1. That the increased charges, resulting from the changes proposed and published in Fifth Revised Page B-2, Original Page C-7, First Revised Page C-7, and Eighth Revised Pages B-3 and B-4 of Tariff No. A-405, Colorado PUC No. 145, may, if permitted to become effective, result in charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedules should be suspended and an investigation instituted into and concerning the lawfulness thereof.

2. That Respondents should be notified and required to submit information and supporting data which shall include, among other things, Colorado intrastate actual cost and revenue data (including anticipated revenue to show the effect of the proposed increase); Colorado intrastate operating ratios specifically related to the traffic and territories involved, overall Colorado intrastate and system operating ratios; detailed data to disclose carrier-affiliate financial and operating relationships and transactions; and, in addition, all pertinent evidence and supporting data for the individual carriers as they relate to their overall Colorado intrastate operations and, specifically, to the Colorado intrastate traffic and territories involved.

3. That the data required to be submitted by Respondents shall include the following information:

A. A copy of the income statements of each affiliate for the year 1967, and the latest period of 1968, for which an income statement is available.

B. The traffic studies to be submitted should be based upon actual charter operations conducted during identical periods of time for each carrier and the actual cost studies should be based upon the operations of the same carriers as used in the traffic studies; and that periods of time selected for such cost and traffic studies shall be shown to be representative and their selection statistically sound.

C. The traffic studies of such charter operations should include the months of July, August, November and February for the years 1966 and 1967.

D. All of the required data specified in the findings hereof should be based upon and reflect the annual reporting period for the years 1966 and 1967, and the available 1968 data. Four (4) copies of all documentary evidence to be presented by the Respondents should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

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 it shall enter upon a hearing concerning the lawfulness of the increased charges resulting from changes published in Fifth Revised Page B-2, Original Page C-7, First Revised Page C-7, and Eighth Revised Pages B-3 and B-4 of the National Bus Traffic Association, Inc., Agent, Charter Coach Tariff No. A-405, Colorado PUC No. 145.

3. That the operation of said schedules, Fifth Revised Page B-2, Original Page C-7, First Revised Page C-7, and Eighth Revised Pages B-3 and B-4 of Charter Coach Tariff No. A-405, Colorado PUC No. 145, be, and it is hereby, suspended and the use thereof deferred to and including September 20, 1968, unless otherwise ordered by the Commission.

4. That the investigation in this proceeding shall not be confined to the matters and issues hereinbefore stated for instituting this investigation, but shall include all matters and issues with respect to the lawfulness of said schedules, under the Public Utilities Law.

5. 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 any extension thereof has expired unless otherwise ordered by the Commission.



6. 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 P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, Illinois, and that said carriers, parties thereto, be, and they are hereby, made respondents in this proceeding. The necessary suspension supplements shall be issued, filed and posted to the schedules referred to herein.

7. That Respondents herein shall submit evidence and supporting data and other information as set forth in the findings herein. Copies of all such documentary evidence shall be filed with the Secretary of the

Commission twenty-one (21) days prior to the hearing date specified in the next ordering paragraph.

8. That this Investigation and Suspension Docket No. 608 be, and the same is hereby, set for hearing before the Commission on the 17th day of July, 1968, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Howard S. Bjelland
necessarily absent and not partic-
ipating.

Dated at Denver, Colorado, this
23rd day of May, 1968. av

(Decision No. 71341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT B. HUNTER, 4400 SOUTH)
PENNSYLVANIA, ENGLEWOOD, COLORADO,)
FOR AUTHORITY TO REINSTATE PERMIT NO.)
B-5345 AND TO TRANSFER PERMIT NO.)
B-5345 TO WESLEY F. SNYDER, 5309)
SOUTH GREENWOOD, LITTLETON, COLORADO)
AND TO CONSOLIDATE SAID PERMIT NO.)
B-5345 WITH PERMIT NO. B-4330 AND)
PERMIT NO. B-4330-I PRESENTLY OWNED)
AND OPERATED BY SAID WESLEY F.)
SNYDER.)

APPLICATION NO. 23107-PP-Transfer

May 24, 1968

Appearances: Kenuff D. Wolford, Esq., Denver,
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On March 26, 1968, the above-entitled application was filed re-
questing authority to reinstate Permit No. B-5345 and to transfer said Permit
No. B-5345 to Wesley F. Snyder for consolidation with Permit No. B-4300 and
B-4300-I presently owned and operated by Transferee herein.

After due and proper notice to all interested persons, firms or
corporations, the application was heard by William D. Mitchell -- 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 auth-
ority 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 is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-5345, which is the subject of this proceeding; however, by decision of the Commission No. 70718 dated January 15, 1968, operations under the Permit were suspended to and including July 15, 1968 at the written request of the transferor herein.
3. The purpose of this application is to reinstate Permit No. B-5345 for the purpose of transferring it to Transferee.
4. The authority has been continually operated in the past, except for the period mentioned above, and is presently in good standing with the Commission.
5. Transferee presently holds authority from this Commission under Permit No. B-4330 & I, which duplicates in part the authority being transferred. This application requests, therefore, in the event the transfer is approved, that Permit No. B-5345 and Permit No. B-4330-I be consolidated.
6. The parties have entered into an Agreement to transfer the operating authority and, pursuant to said Agreement, the consideration to be paid is fair and reasonable.
7. The Permit is free and clear of any debts, encumbrances or obligations.
8. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
9. 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.
10. The transfer will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing, inter alia:

1. That Permit No. B-5345 be reinstated for the purpose of transfer.

2. That Robert B. Hunter transfer all of his right, title and interest in and to Permit No. B-5345 to Wesley F. Snyder.
3. That Permit No. B-5345 be consolidated and merged with Permit No. B-4330 & I and, after such consolidation and merger, Permit No. B-5345 be cancelled.
4. That henceforth the full and complete authority under Permit No. B-4330 & I shall read as follows, to-wit:

"Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways

From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.

- (2) 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 fifty (50) miles of said pits and supply points.

- (3) Sand, gravel, dirt, stone and refuse

From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.

- (4) Insulrock

From pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty (50) miles of said pits and supply points.

- (5) Clay

From pits and supply points in the State of Colorado, to processing plants within fifty (50) miles of said pits and supply points.

- (6) Clay, peat moss and natural fertilizer

Between all points within a radius of one hundred (100) miles of Denver, Colorado.

- (7) Tile, brick, rock, asphalt tile, building sand and sack cement

From points of manufacture and pits and supply points within a one hundred (100) mile radius of Denver, Colorado, to construction sites in Denver, Colorado.

(8) Hay and straw

From all points in the State of Colorado to points in Denver, Colorado.

(9) Rough lumber and sawmill products

From sawmills in Breckenridge, Colorado to points in Denver, Colorado.

INTERSTATE AUTHORITY:

Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The 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 Permit No. B-5345 be, and hereby is, reinstated for the purpose of the instant transfer.

That Robert B. Hunter, Englewood, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Permit No. B-5345 to Wesley F. Snyder, Littleton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That Permit No. B-5345 be, and hereby is, consolidated and merged with Permit No. B-4330 and Permit No. B-4330-I.

That, in view of the above, Permit number "B-5345" be, and hereby is, cancelled.

That henceforth the full and complete authority under Permit No. B-4330 and Permit No. B-4330-I shall read and be as follows, to-wit:

Transportation of

- (1) Sand, gravel and other road-surfacing materials used in the construction of roads and highways
From pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of fifty (50) miles of said pits and supply points.
 - (2) 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 fifty (50) miles of said pits and supply points.
 - (3) Sand, gravel, dirt, stone and refuse
From and to building construction jobs, to and from points within a radius of fifty (50) miles of said jobs.
 - (4) Insulrock
From pits and supply points in the State of Colorado, to roofing jobs within a radius of fifty (50) miles of said pits and supply points.
 - (5) Clay
From pits and supply points in the State of Colorado, to processing plants within fifty (50) miles of said pits and supply points.
 - (6) Clay, peat moss and natural fertilizer
Between all points within a radius of one hundred (100) miles of Denver, Colorado.
 - (7) Tile, brick, rock, asphalt, tile, building sand and sack cement
From points of manufacture and pits and supply points within a one hundred (100) mile radius of Denver, Colorado, to construction sites in Denver, Colorado.
 - (8) Hay and straw
From all points in the State of Colorado to points in Denver, Colorado.
 - (9) Rough lumber and sawmill products
From sawmills in Breckenridge, Colorado to points in Denver, Colorado.
- INTERSTATE AUTHORITY:
- Authority to use equipment in the State of Colorado as a Private Interstate Carrier between all points in the State of 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.

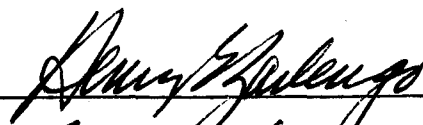
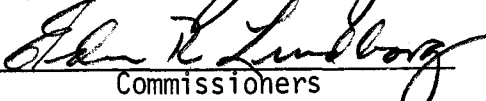
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 24th day of May, 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
)
Silver State Cadillac, Inc.)
1260 Fountain Creek Blvd.)
Colorado Springs, Colorado 80906)

AUTHORITY NO. M-7158
CASE NO. 2988-M-Ins.

- May 24, 1968 -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 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.


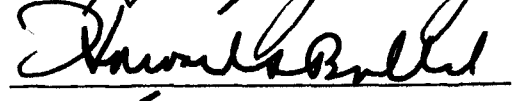

O R D E R

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 May, 1968 .

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF
WILLIAM SANDRI
1315 SO. SHOSHONE STREET
DENVER, COLORADO 80223

* * *
)
)
)
)
)

PERMIT NO. B-6543

_ May 24, 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.

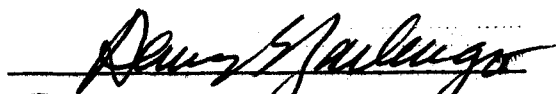


O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 16, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 24th day of May 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
J. O. RICE)
P. O. BOX 192)
PITKIN, COLORADO 81241)

PERMIT NO. M-8674

May 27, 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.

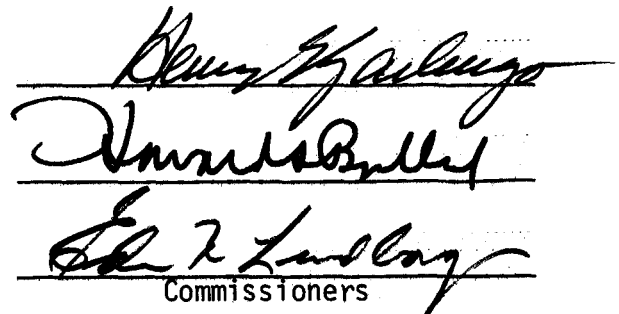
ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 26, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 27th day of May 1968 et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)	
)	
CHARLES H. HELMING)	
STRASBURG, COLORADO 80136		)	<u>PERMIT NO. M-3545</u>
)	

May 27, 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.

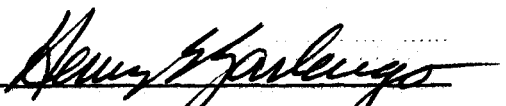
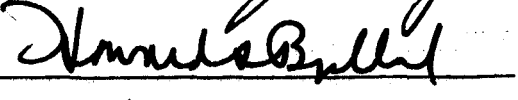

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective May 23, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 27th day of May 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF	* * *)
THE CARMAN COMPANY)
610 CURTIS STREET)
DENVER, COLORADO 80204)

PERMIT NO. M-3764

May 27, 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 May 16, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]

Commissioners

Dated at Denver, Colorado,
this 27th day of May 1968
et

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: MOTOR VEHICLE OPERATIONS OF)
HUMPHRIES CORPORATION)
107 W. CHEYENNE ROAD)
COLORADO SPRINGS, COLORADO 80900)

PERMIT NO. M-1113

May 27, 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 May 24, 1968.

(S E A L)

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 27th day of May 1968
et

(Decision No. 71349)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF) PUC NO. 1345
HARRY B. HAWKS, RURAL ROUTE 4,) PERMIT NOS. B-1365, B-1365-I, B-3076,
BOX 431, MONTROSE, COLORADO.) B-4769, B-4769-I, B-4929

May 28, 1968

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 19, 1967, the Commission entered Decision No. 70574, approving encumbrance of PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I, and B-4929 by Harry B. Hawks, Montrose, Colorado, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$25,625.82.

The Commission is now in receipt of a communication from said Montrose National Bank stating that said encumbrance has been paid off by renewal and requesting release of Chattel Mortgage dated October 27, 1967, and approval of Chattel Mortgage dated May 22, 1968, in the amount of \$27,179.98, in accordance with the terms and conditions set forth in said Chattel Mortgage.

The Commission states and finds that said requests are compatible with the public interest and should be granted as set forth in the Order following.

O R D E R

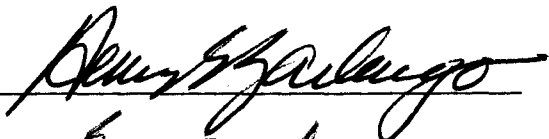
THE COMMISSION ORDERS:


That Mortgage of the above-mentioned operating rights authorized by Decision No. 70574, dated December 19, 1967, be, and the same hereby is, released, as requested by the Mortgagee herein insofar as it concerns this Commission.

That Harry B. Hawks, Montrose, Colorado, be, and hereby is, authorized to mortgage all right, title and interest in and to PUC No. 1345, Permit Nos. B-1365, B-1365-I, B-3076, B-4769, B-4769-I, and B-4929, to The Montrose National Bank, Montrose, Colorado, to secure payment of the sum of \$27,179.98, in accordance with the terms and conditions set forth in Chattel Mortgage dated May 22, 1968, 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

COMMISSIONER HOWARD S. BJELLAND
NECESSARILY ABSENT AND NOT
PARTICIPATING.

Dated at Denver, Colorado,
this 28th day of May, 1968.
1s