

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOHNIE VAUGHN, DOING BUSINESS AS )  
"VAUGHN TRACTOR SERVICE," 12650 TUCSON, )  
ROUTE 1, BOX 252V, HENDERSON, COLORADO. )

PERMIT NO. B-6536

January 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit-holder requesting authority to do business under the trade name and style of Johnie Vaughn, doing business as "Vaughn Excavating & Construction," in lieu of Johnie Vaughn, doing business as "Vaughn Tractor Service," in the conduct of operations under Permit No. B-6536.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

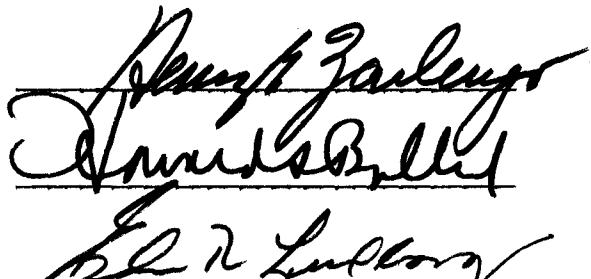
ORDER

THE COMMISSION ORDERS:

That Johnie Vaughn, doing business as "Vaughn Tractor Service," be, and hereby is, authorized to conduct operations under the trade name and style of Johnie Vaughn, doing business as "Vaughn Excavating & Construction," in the conduct of operations under Permit No. B-6536, 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 14th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ROTELLO BROTHERS, INC., NAVASOTA, )  
TEXAS. )  
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PUC NO. 7089-I

January 14, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-named certificate-holder requesting authority to change its corporate name from Rotello Brothers, Inc. to Rotello Brothers Trucking Co., Inc., in the conduct of operations under PUC No. 7089-I.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

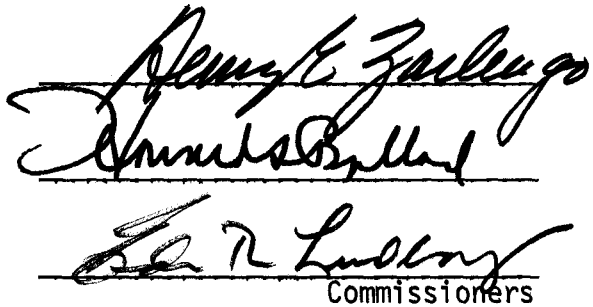
ORDER

THE COMMISSION ORDERS:

That Rotello Brothers, Inc., Navasota, Texas, be, and hereby is, authorized to change its corporate name to Rotello Brothers Trucking Co., Inc., Navasota, Texas, in the conduct of operations under PUC No. 7089-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 14th day of January, 1969.

(Decision No. 72417)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
LAWRENCE E. CHADWICK, DOING BUSINESS	)	
AS "L. E. CHADWICK," 309 PINE STREET,	)	<u>APPLICATION NO. 23461-PP-Extension</u>
MINTURN, COLORADO, FOR AUTHORITY TO	)	
EXTEND OPERATIONS UNDER PERMIT NO.	)	
B-7237.	)	

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January 14, 1969  
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Appearances: Stewart H. Brown, Esq., Vail,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 26, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7237 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 William D. Mitchell -- duly designated as an Examiner for the purpose of conducting the hearing on said application 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 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

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

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-7237 and M-13161.
3. The authority to which extension is hereby sought, Permit No. B-7237, has been continually operated in the past and is presently in good standing with the Commission.
4. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
5. The authority, presently held by Applicant under Permit No. B-7237, reads 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 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 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 50 miles of said jobs.

- (4) Insulrock

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

RESTRICTION:

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

6. By this application, Applicant seeks to extend the authority under Permit No. B-7237 to include the following:

"Transportation of ash, trash and other refuse from an area which includes the town of Minturn, Colorado, and an area within a radius of one mile from the said Town of Minturn, Colorado to designated and approved disposal sites within the County of Eagle, Colorado."

7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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 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.
10. 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.
11. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-7237 to include:

"Transportation of ash, trash and other refuse from an area which includes the town of Minturn, Colorado, and an area within a radius of one mile from the said Town of Minturn, Colorado to designated and approved disposal sites within the County of Eagle, Colorado."

That henceforth the entire authority under Permit No. B-7237 shall be 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 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 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 50 miles of said jobs.

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 50 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, trash and other refuse

From all points within the Town of Minturn, Colorado to designated and approved dumps and disposal sites within the County of Eagle, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

ORDER

THE COMMISSION ORDERS:

That Lawrence E. Chadwick, doing business as "L. E. Chadwick," Minturn, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7237 to include the following:

Transportation of ash, trash and other refuse from an area which includes the Town of Minturn, Colorado, and an area within a radius of one mile from said Town of Minturn, Colorado to designated and approved disposal sites within the County of Eagle, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-7237 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 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 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 50 miles of said jobs.

(4) Insulrock

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

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Ashes, trash and other refuse

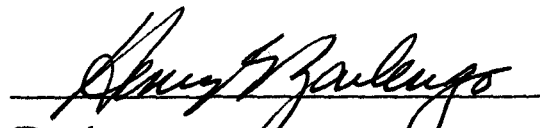


From all points within the Town of Minturn, Colorado, and a one-mile radius thereof, to designated and approved dumps and disposal sites within the County of Eagle, State of Colorado.

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 made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 14th day of January, 1969.

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(Decision No. 72418)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
NORTH PARK TRANSPORTATION COMPANY, )  
1600 ELIOT STREET, DENVER, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 1600. )  
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APPLICATION NO. 23451-Extension

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January 14, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Denver-Climax  
Truck Line, Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 9, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1600 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 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 Denver-Climax Truck Line, Inc., Commerce City, Colorado.

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 and upon a clarification of what the application was for, Protestant, Denver-Climax Truck Line, Inc., through its attorney, Raymond B. Danks, withdrew its Protest.

It should be noted that Acme Delivery Service, Inc., Duffy Storage & Moving, and Weicker Transfer & Storage Company, through their attorney, Joseph F. Nigro, filed a Protest to this application. However, no one appeared at the time and place of hearing, either in person or through counsel, and upon Motion by Applicant, said Protest was struck.

This application then proceeded as a non-protested matter."

The record further discloses, in view of the above and foregoing, that the Protestant of record, as above indicated, withdrew its 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

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

1. Applicant is a Colorado corporation and presently holds Certificates of Authority PUC No. 5888, PUC No. 1600 and PUC No. 1600-I.
2. Certificate of Authority PUC No. 5888 is not involved in this proceeding and need have no further reference herein.
3. Certificate of Authority PUC No. 1600 and PUC No. 1600-I presently provides as follows:

"Transportation of freight, excluding, however, household goods, and heavy machinery requiring special equipment but not excluding emigrant moveables, from point to point within Jackson County, Colorado, and all other points and places in the State of Colorado.

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.

Transportation of general commodities, on schedule, between Ft. Collins, Colorado, and Walden, Colorado, via Colo. 14 and that portion of said certificate which authorizes service between Denver, Colorado, and points in Jackson County, Colorado, via US 40 to its junction with Colo. 125; thence via Colo. 125 to Walden, Colorado.

Transportation of general commodities between Denver, Colorado, and Walden, Colorado, and North Park points it is authorized to serve, via US 40 to its junction with Colo. 14; thence on Colo. 14 to Walden, Colorado, serving the points on Colo. 14 between its junction with US 40 and Walden, Colorado.

Transportation of freight on schedule between Denver and Kremmling and intermediate points between West Portal and Kremmling; and a call and demand general transfer, moving and cartage service from point to point in Grand County and to and from Grand County and outside points and livestock between Grand County and Denver for Grand County customers -- all freight to originate or terminate in Grand County.

Transportation of livestock in less than carload lots, when competing with scheduled carriers, between points in Grand County, and points in the State of Colorado and to include transportation service between Denver and Grand Lake on the same conditions,

AS TO POINTS DIRECTLY ON US 40 between West Portal and Kremmling. Interstate authority issued 4/1/53: Transportation of freight in interstate commerce, only, between Denver and Kremmling and intermediate points between West Portal and Kremmling, from point to point in Grand County and from Grand County to Denver, subject to the provisions of the Federal Motor Carrier Act of 1935 as amended.

To include service to intermediate points between Empire and Kremmling, Colorado, but excluding service to Empire.

The transportation of freight, on call and demand, to serve the site of the Urad Mine, located in Clear Creek County, Colorado, near the foot of Berthoud Pass, as an off-route point in connection with applicant's otherwise authorized scheduled service between Denver and Kremmling, Colorado."

4. By this application, Applicant seeks to extend its Certificate of Authority PUC No. 1600 to include:  

"Transportation of freight, serving points located within five (5) miles of U.S. Highway 40 between Empire, Colorado, and the Grand-Clear Creek County line (excluding service to Empire and points located on U.S. Highway 6) as off-routes in connection with Applicant's otherwise authorized regular route service between Denver and Kremmling, Colorado."
5. To a certain extent, the extension requested in this application overlaps the extension granted in Decision No. 57606.
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 provision for insurance.

8. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
9. There is presently no service available in the area to which extension is sought.
10. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
11. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend its authority under Certificate of Authority PUC No. 1600 to include the following:

"Transportation of freight, serving points located within five (5) miles of U.S. Highway 40 between Empire, Colorado, and the Grand-Clear Creek County line, as off-route points in connection with other authorized regular route service between Denver and Kremmling, Colorado, restricted against service to Empire and points located on U.S. Highway 6."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That North Park Transportation Company, Denver, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 1600 to include the following:

"Transportation of freight, serving points located within five (5) miles of U.S. Highway 40 between Empire, Colorado, and the Grand-Clear Creek County line, as off-route points in connection with other authorized regular route service between Denver and Kremmling, Colorado, restricted against service to Empire and points located on U.S. Highway 6."


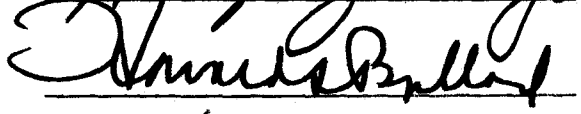
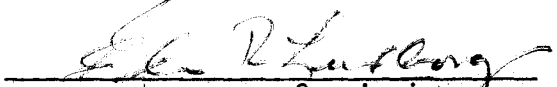
The Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That Applicant shall operate 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 14th day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
C. R. MILLER, DOING BUSINESS AS "A & C )  
TRANSFER COMPANY," BOX 138, LA PORTE, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 3740 TO ROBERT REED REICHERT, )  
DOING BUSINESS AS "YELLOW BARREL DIS- )  
POSAL," 1001 AKIN STREET, FORT COLLINS, )  
COLORADO. )

APPLICATION NO. 23485-Transfer

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January 15, 1969  
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Appearances: Arnold M. Kohn, Esq., Boulder,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 7, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3740.

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

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

1. Transferor herein is the present owner and operator of PUC No. 3740, 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 the 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. 3740 to Robert Reed Reichert, doing business as "Yellow Barrel Disposal," and that henceforth the full and complete authority under said PUC No. 3740 shall read as follows, to-wit:

"Transportation of

(1) Ashes, trash and other refuse

From all points within the City of Fort Collins, Colorado, and a three (3) mile radius thereof to designated and approved dumps and disposal sites in Larimer County, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That C. R. Miller, doing business as "A & C Transfer Company," La Porte, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3740 to Robert Reed Reichert, doing business as "Yellow Barrel Disposal," Fort Collins, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3740 shall read and be as follows, to-wit:

Transportation of

(1) Ashes, trash and other refuse

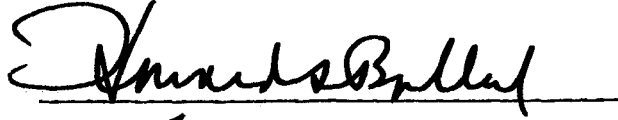
From all points within the City of Fort Collins, Colorado, and a three (3) mile radius thereof, to designated and approved dumps and disposal sites in Larimer County, State of Colorado.

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 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_ Commissioners

CHAIRMAN HENRY E. ZARLENGO NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 15th day of January, 1969.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WINSLOW CONSTRUCTION COMPANY, A )  
COLORADO CORPORATION, 3002 SOUTH )  
HURON STREET, ENGLEWOOD, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE )  
AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 23509-PP

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January 15, 1969  
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Appearances: George Alan Holley, Esq., of Holley,  
Boatright and Villano, Wheatridge,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 27, 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

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

1. Applicant is a Colorado corporation, duly organized and existing under the laws of the State of Colorado.
2. Applicant does not hold previously granted authority from this Commission other than an "M" Permit.
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 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 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 75 miles of said jobs;

(4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Winslow Construction Company, a Colorado Corporation, Englewood, 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 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 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 75 miles of said jobs;

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within a radius of 75 miles of said pits and supply points;

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.

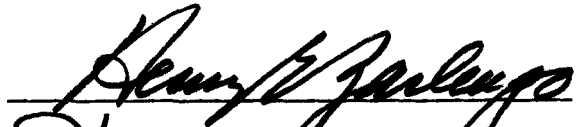
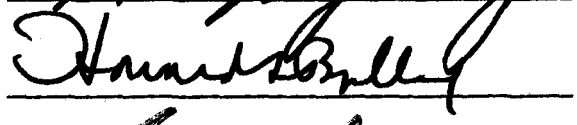
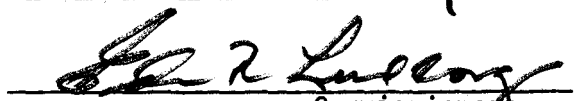
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 15th day of January, 1969.  
1s

(Decision No. 72421)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM J. SHAFFER, JR., 8600 CEDAR )  
LANE, WESTMINSTER, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-7142. )  
-----

APPLICATION NO. 23503-PP-Extension

-----  
January 15, 1969  
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Appearances: William J. Shaffer, Jr.,  
Westminster, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 25, 1968, the above-entitled application was filed requesting authority to extend operations under Permit No. B-7142 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 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

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

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-7142, which reads as follows:

"Transportation of sand, gravel, and other road-surfacing materials used in the construction of roads and highways, from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of 100 miles of said pits and supply points; sand and gravel, from pits and supply points in the State of Colorado, to railroad loading points, to homes and small construction jobs within a radius of 100 miles of said pits and supply points; sand, gravel, dirt, stone, and refuse, from and to building construction jobs, to and from points within a radius of 100 miles of said jobs; insulrock, from pits and supply points in the State of Colorado, to roofing jobs within a radius of 100 miles of said pits and supply points; provided, however, that the transportation of road-surfacing materials be restricted against the use of tank vehicles; also transportation of farm products (excluding livestock, bulk milk and dairy products) from point to point in Weld, Larimer, Morgan, Logan, Adams, and Boulder Counties, State of Colorado."
3. The authority to which extension is hereby sought, Permit No. B-7142, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7142 to include the following:

"Transportation of farm products (excluding livestock, bulk milk and dairy products) between all points within the Counties of Denver, Jefferson, Douglas, Arapahoe, Washington, Yuma, Kit Carson, Sedgwick, Phillips, Elbert, Lincoln, El Paso and Cheyenne, State of Colorado."
5. The extension applied for herein is compatible with and does not conflict with 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 provision 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.
10. The granting of the ~~authority~~ will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-7142 to include:

"Transportation of farm products (excluding livestock, bulk milk and dairy products) between all points within the Counties of Denver, Jefferson, Douglas, Arapahoe, Washington, Yuma, Kit Carson, Sedgwick, Phillips, Elbert, Lincoln, El Paso and Cheyenne, State of Colorado.

That henceforth the entire authority under Permit No. B-7142 shall be 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:

Items No. 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Farm products (excluding livestock, bulk milk and dairy products)

Between all points within the Counties of Weld, Larimer, Morgan, Logan, Adams, Boulder, Denver, Jefferson, Douglas, Arapahoe, Washington, Yuma, Kit Carson, Sedgwick, Phillips, Elbert, Lincoln, El Paso and Cheyenne, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That William J. Shaffer, Jr., Westminster, Colorado, be, and hereby is, authorized to extend operations under Permit No. B-7142 to include the following:

Transportation of farm products (excluding livestock, bulk milk and dairy products) between all points within the following Counties of the State of Colorado: Denver, Jefferson, Douglas, Arapahoe, Washington, Yuma, Kit Carson, Sedgwick, Phillips, Elbert, Lincoln, El Paso and Cheyenne.

That henceforth the full and complete authority under Permit No. B-7142 as extended 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 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:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Farm products

Between all points within the following Counties of the State of Colorado: Weld, Larimer, Morgan, Logan, Adams, Boulder, Denver, Jefferson, Douglas, Arapahoe, Washington, Yuma, Kit Carson, Sedgwick, Phillips, Elbert, Lincoln, El Paso and Cheyenne.

RESTRICTION:

Item 5 of this Permit is restricted against the transportation of livestock, bulk milk and dairy products.

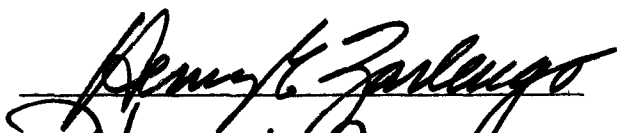
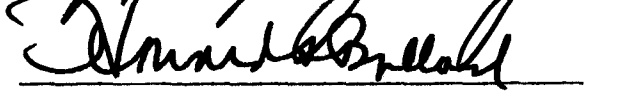

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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 15th day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF WESTERN STATES TELEPHONE CO., INC., AN ARIZONA CORPORATION, 1800 NORTH CENTRAL AVENUE, PHOENIX, ARIZONA, FOR AUTHORITY (A) TO MERGE WITH THE RUIDOSO TELEPHONE COMPANY, A NEW MEXICO CORPORATION, NEW MEXICO STATE TELEPHONE COMPANY, A NEW MEXICO CORPORATION, LINDRITH TELEPHONE CO., INC., A NEW MEXICO CORPORATION, AND HINSDALE COUNTY TELEPHONE COMPANY, A COLORADO CORPORATION, WITH WESTERN STATES TELEPHONE CO., INC. TO BE THE SURVIVOR; AND (B) TO CARRY OUT ALL OTHER TRANSACTIONS IN CONNECTION WITH SAID MERGER, INCLUDING THE ASSIGNMENT OF CERTIFICATES OF CONVENIENCE AND NECESSITY AUTHORIZING THE CONSTRUCTION AND OPERATION OF TELEPHONE COMPANIES.

APPLICATION NO. 23533

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IN THE MATTER OF THE APPLICATION OF HINSDALE COUNTY TELEPHONE COMPANY, A COLORADO CORPORATION, LAKE CITY, COLORADO, FOR AUTHORITY (A) TO MERGE WITH WESTERN STATES TELEPHONE CO., INC., AN ARIZONA CORPORATION, THE RUIDOSO TELEPHONE COMPANY, A NEW MEXICO CORPORATION, NEW MEXICO STATE TELEPHONE COMPANY, A NEW MEXICO CORPORATION, LINDRITH TELEPHONE CO., INC., A NEW MEXICO CORPORATION, WITH WESTERN STATES TELEPHONE CO., INC., TO BE THE SURVIVOR AND (B) TO CARRY OUT ALL OTHER TRANSACTIONS IN CONNECTION WITH SAID MERGER, INCLUDING THE ASSIGNMENT OF CERTIFICATES OF CONVENIENCE AND NECESSITY, IF ANY, AND OPERATING RIGHTS AUTHORIZING THE CONSTRUCTION AND OPERATION OF TELEPHONE COMPANIES.

APPLICATION NO. 23537

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January 16, 1969  
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Appearances: Akolt, Shepherd, Dick & Rovira, Esqs.,  
Denver, Colorado, by  
Luis D. Rovira, Esq., Denver, 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:

The above entitled applications No. 23533 and No. 23537 were filed by Western States Telephone Company on December 16, 1968, and the Hinsdale County Telephone Company on December 23, 1968, respectively. By these applications Western States Telephone Company and Hinsdale County Telephone Company seek approval of this Commission for a merger and for an assignment of operating rights of Hinsdale County Telephone Company to the Western States Telephone Company.

Upon due and proper notice the above mentioned applications were set for hearing on January 10, 1969 at 10 o'clock A.M. in the hearing room of the Commission, 1845 Sherman Street, Denver, Colorado; at which time and place the two applications were heard at a consolidated hearing. No one appeared at the hearing in protest of the above entitled applications.

The Applicants' witnesses testified in summary as follows:

The proposed merger of Western States Telephone Company and Hinsdale County Telephone Company, which also involves the Ruidoso Telephone Company and the Lindrith Telephone Company, would result in increased operating efficiency by eliminating the separate corporate structures involved, all of the companies involved being 100% owned by the Continental Telephone Company. Hinsdale County Telephone Company is a telephone utility operating in the County of Hinsdale, State of Colorado. The other companies provide similar utility service in Arizona, New Mexico and Texas. The proposed merger will also aid in future financing. The merger will be accomplished after all legal requirements have been complied with, whereupon the outstanding common stock of the Hinsdale County Telephone Company consisting of 37,517 shares of \$1 par value will be converted into 35 shares of Western States Telephone Company stock of \$100 par value. The conversion ratios were determined on the basis of each constituent corporation's book values as compared with Western States Telephone Company as of March 31, 1968.

The witnesses further testified that Hinsdale County Telephone Company does not hold a certificate of public convenience and necessity under this

Commission as such, but operates under so-called grandfather rights; that the present level of service would in no way be reduced by a change in corporate entity; that books and records of Western States Telephone Company, should the proposed merger be approved, will be kept in accordance with the Uniform System of Accounts as prescribed by this Commission; that the books and records of Western States Telephone Company will be kept in such a manner that the items applicable to its Colorado operations may be readily ascertained; and that the existing rates and tariffs of the Hinsdale County Telephone Company will be adopted by the Western States Telephone Company in accordance with Rule 23 of the Rules of Practice and Procedure before this Commission.

Applicants' Exhibits A through D were offered and admitted into evidence.

### F I N D I N G S

#### THE COMMISSION FINDS:

1. Hinsdale County Telephone Company, a Colorado corporation, is a public utility engaged in the business of providing telephone service to the County of Hinsdale, State of Colorado, under the jurisdiction of this Commission.

2. Hinsdale County Telephone Company operates as a public utility without a certificate of public convenience and necessity from this Commission as such, but does have grandfather rights to operate as a telephone utility and render service in the County of Hinsdale or portions thereof.

3. Western States Telephone Company is an Arizona corporation now engaged in the business of providing telephone service outside the State of Colorado, but has a Certificate of Authority issued by the Secretary of State of the State of Colorado to transact business in the State of Colorado.

4. Both Hinsdale County Telephone Company and Western States Telephone Company are wholly-owned subsidiaries of Continental Telephone Company.

5. Under the proposed merger of Western States Telephone Company and the Hinsdale County Telephone Company and certain other subsidiaries

of the Continental Telephone Company, the surviving corporation would be the Western States Telephone Company, and coincidental with such merger Western States Telephone Company would, by operation of law, become the assignee of the operating rights of the Hinsdale County Telephone Company described in Finding No. 2.

6. The Commission has jurisdiction over the subject matter of this application insofar as the operating rights of the telephone utility are concerned.

7. The proposed merger of the Applicants herein is not inconsistent with public interest.

8. The assignment of operating rights of the Hinsdale County Telephone Company to the Western States Telephone Company resulting from the above-described merger is not inconsistent with the public interest and should be authorized.

9. Upon consummation of the merger as described above, Western States Telephone Company will be a public utility engaged in the business of providing telephone service in the County of Hinsdale, State of Colorado, and subject to the jurisdiction of this Commission.

10. The above and foregoing Statement should be, and hereby is, incorporated in these Findings by reference.

#### ORDER

#### THE COMMISSION ORDERS THAT:

1. Assignment of the grandfather operating rights of the Hinsdale County Telephone Company to the Western States Telephone Company resulting from the proposed merger described in the Statement and Findings above is hereby authorized and approved.

2. Western States Telephone Company shall adopt the rates and tariffs of the Hinsdale County Telephone Company on file with this Commission in accordance with Rule 23 of the Rules of Practice and Procedure before this Commission within thirty days of the effective date of such merger, provided however that such rates and tariffs may be subsequently changed in accordance with Rule 17.

3. Western States Telephone Company shall keep its books and records in accordance with the Uniform System of Accounts prescribed by this Commission for telephone utilities and, further, shall keep its books and records in such a manner that the elements of rate base and rate of return applicable to its Colorado operations are separated from its other operations.

4. Western States Telephone Company shall file with this Commission a certified copy of its Articles of Incorporation within thirty days of the effective date of this Order.

5. Western States Telephone Company shall, within thirty days of the effective date of the merger described above, file with this Commission the following:

A. Balance sheet of the Hinsdale County Telephone Company as of the day preceding the effective date of the merger, an operating statement of the Hinsdale County Telephone Company for the period from January 1, 1969 to the day preceding the effective date of the merger and a balance sheet for Western States Telephone Company as of the day the merger has become effective.

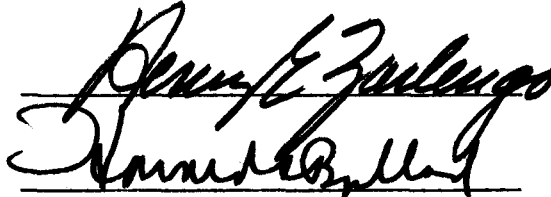
B. Schedule of journal entries reflecting the merger of the Hinsdale County Telephone Company into the Western States Telephone Company.

6. This Order will become null and void and of no effect in the event that the proposed merger is not consummated by December 31, 1969.

7. The Commission retains such further jurisdiction of this matter as may be proper and necessary.

This Order shall become effective twenty-one (21) days from date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioner

Dated at Denver, Colorado,  
this 16th day of January, 1969.  
s]

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS UNDER )  
CERTIFICATES NOS. 1308 and 1255, by )  
DAVID BAKER, ROUTE 2, DURANGO, COLORADO )  
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CASE NO. T-3

SUPPLEMENTAL ORDER

-----  
January 15, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 5, 1968, the Commission entered Decision No. 72266, setting the above matter for hearing on the 29th day of January, 1969.

It now appears that the Respondent herein has complied, as required by law and the Rules and Regulations of the Commission, has filed the necessary tariff; and has shown good cause why the above captioned and numbered operating rights should not be revoked.

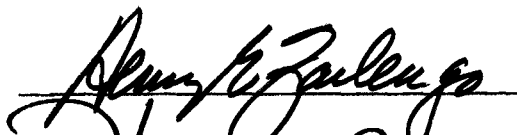


The Commission states and finds that the herein entitled case should be dismissed as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
15th day of January, 1969. av



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD T. MOSS AND LENORA R. MOSS, )  
FOR AUTHORITY TO TRANSFER ALL THE )  
COMMON CAPITAL STOCK IN AND TO )  
AURORA MOVING AND STORAGE CO., INC., )  
RECORD OWNER OF PUC NO. 2241 AND PUC )  
NO. 2241-I TO HARRY BERMAN AND V. E. )  
CARLSON, JR. )  
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APPLICATION NO. 23514-Stock Transfer

-----  
January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Harold T. Moss and Lenora R. Moss sought authority to transfer all the common capital stock in and to Aurora Moving and Storage Co., Inc., record owner of PUC No. 2241 and PUC No. 2241-I to Hary Berman and V. E. Carlson, Jr.

Said application is presently set for hearing at 10:00 A.M., on February 18, 1969, at Denver, Colorado.

On January 13, 1969, Harold T. Moss and Lenora R. Moss, by and through their attorney, David R. Calvert, filed a "Motion to Vacate Hearing," and requested dismissal of said application.

The Commission states and finds that said Motion and request should be granted as set forth in the Order following.

ORDER

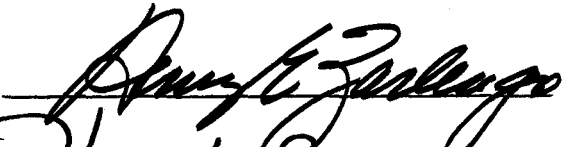


THE COMMISSION ORDERS:

That the hearing on Application No. 23514-Stock Transfer, presently set for 10:00 A.M., on February 18, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23514-Stock Transfer be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 16th day of January, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HOWARD LENDERINK, RAY KRAAI, AND )  
WILLIAM BEUKEMA, DOING BUSINESS AS )  
"FREDDIE'S RUBBISH REMOVAL," 3130 )  
SOUTH PLATTE RIVER DRIVE, ENGLEWOOD, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
AUTHORIZING EXTENSION OF OPERATIONS )  
UNDER PUC NO. 2086. )

APPLICATION NO. 23474-Extension

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January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicants herein sought a certificate of public convenience and necessity authorizing extension of operations under PUC No. 2086 so as to authorize transportation of (1) ashes, trash and other refuse, in roll-off containers, only, and (2) roll-off containers used in providing such service; between points located within a radius of 15 miles of the intersection of Colfax Avenue and Broadway, Denver, Colorado.

Said application is presently set for hearing at 10:00 A.M. on January 24, 1969, at Denver, Colorado.

On January 9, 1969, John P. Thompson, Attorney for Applicants, filed with the Commission "Applicants' Motion to Dismiss Application," and caused copies of said Motion to be served on interested parties in this proceeding.

The Commission states and finds that said Motion should be granted, as set forth in the Order following.

O R D E R

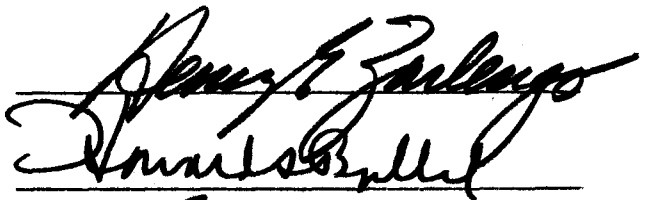

THE COMMISSION ORDERS:

That hearing presently set for 10:00 A.M., January 24, 1969,  
at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23474-Extension be, and the same hereby  
is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 16th day of January, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD MONDRAGON, DOING BUSINESS AS )  
"DICK'S TRASH HAULING SERVICE," 418 )  
WOOD STREET, FORT COLLINS, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 3746. )  
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APPLICATION NO. 23341-Extension

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January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Bestway Disposal Co., by its attorney, Leslie R. Kehl, filed a Petition 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 application for intervention, Bestway Disposal Co., 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.

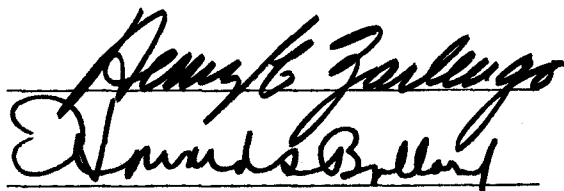
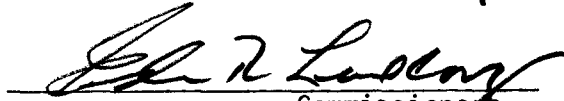
O R D E R

THE COMMISSION ORDERS:

That Petition to Intervene on Behalf of Bestway Disposal Co. filed with the Commission 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 16th day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDDIE GALLEGOS, DOING BUSINESS AS )  
"G & S SANITATION SERVICE," P.O. BOX ) APPLICATION NO. 23334-Extension  
1957, FORT COLLINS, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
PUC NO. 4438. )  
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-----  
January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Bestway Disposal Co., by its attorney, Leslie R. Kehl, filed a Petition 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 application for intervention, Bestway Disposal Co., 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.

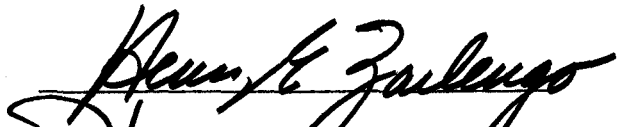

O R D E R

THE COMMISSION ORDERS:

That Petition to Intervene on Behalf of Bestway Disposal Co. filed with the Commission 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 16th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF  
WESTERN SLOPE GAS COMPANY FOR A  
CERTIFICATE OF PUBLIC CONVENIENCE AND  
NECESSITY TO CONSTRUCT, OPERATE AND  
MAINTAIN A GAS TRANSMISSION PIPELINE  
FROM THE TERMINUS OF ITS PRESENT  
PIPELINE NEAR LOUISVILLE, BOULDER  
COUNTY, COLORADO, TO A POINT OF  
CONNECTION WITH ITS EXISTING PIPELINE  
NEAR THE TOWN OF DILLON, SUMMIT COUNTY,  
COLORADO, TOGETHER WITH LATERALS  
THEREFROM; AND TO PROVIDE GAS PIPELINE  
TRANSMISSION SERVICE FROM SUCH FACILITIES.

APPLICATION NO. 23545

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January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Rocky Mountain Natural Gas Company, Inc., by its attorneys, Grant E. McGee and Wynn M. Bennett, Jr., filed a Protest and Petition to Intervene in the above entitled 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, Rocky Mountain Natural Gas Company, 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.

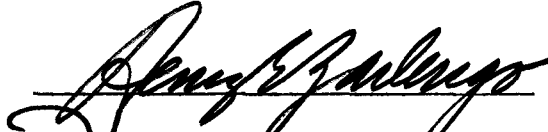
O R D E R

THE COMMISSION ORDERS:

That Protest and Petition to Intervene of Rocky Mountain Natural Gas Company, Inc. filed with the Commission 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

  
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Commissioners

Dated at Denver, Colorado,  
this 16th day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF EPHRAIM FREIGHTWAYS, INC., )  
1385 UMATILLA STREET, DENVER, ) APPLICATION NO. 22671-Amended  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY. )  
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RE: MOTOR VEHICLE OPERATIONS OF )  
EPHRAIM FREIGHTWAYS, INC., 1385 ) PERMIT NO. A-404  
UMATILLA STREET, DENVER, COLORADO. )  
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January 16, 1969  
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Appearances: Truman A. Stockton, Jr., Esq.,  
John H. Lewis, Esq., and  
William F. Schenkein, Esq.,  
Denver, Colorado for Ephraim  
Freightways, Inc., Applicant;

Alvin J. Meiklejohn, Jr., Esq., and  
Edward T. Lyons, Jr., Esq., Denver,  
Colorado, for Red Ball Motor Freight,  
Inc., Groendyke Transport, Inc.,  
Ward Transport, Inc., Bulk Transporters,  
Inc., Ruan Transport Corporation, and  
Petco, Inc., of Colorado, successor in  
interest to H. M. Popp Truck Line, Inc.,  
Protestants;

John J. Conway, Esq., Denver, Colorado,  
for Contract Carriers Conference of the  
Colorado Motor Carriers Association,  
Amicus Curiae;

Warren D. Braucher, Esq., Denver, Colorado,  
for Denver and Rio Grande Western Railroad  
Co., Protestant;

Robert L. Pyle, Esq., Denver, Colorado,  
for the Staff of the Public Utilities  
Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 19, 1967, Ephraim Freightways, Inc. (hereinafter referred to as "Ephraim" or "applicant") filed its application with this Commission for a certificate of public convenience and necessity authorizing the trans-

portation, as a motor vehicle common carrier, principally between Denver and Pueblo and intermediate points. Subsequently said application was amended to request authority for:

The transportation of general commodities, except commodities in bulk, in tank vehicles, between Denver and Pueblo, and intermediate points, over U. S. Highway No. 85, or U. S. Highway No. 87, or Interstate Highway No. 25; general freight between points within the area bounded on the south by the north city limits of the City and County of Denver, on the west by U.S. Highway No. 87, as presently designated, on the north by East 66th Avenue, and on the east by a line parallel to and a half mile easterly from U. S. Highway No. 85, as presently designated, and between points in said area, on the one hand, and, on the other, Denver, Pueblo, and intermediate points thereto; perishable commodities requiring refrigeration, in pick-up and delivery service between points within five miles of Denver, and between points within seven miles of Colorado Springs, where such commodities have a prior or subsequent movement over the line haul operation.

Castle Rock Transfer filed a letter dated August 28, 1967 opposing the application, and later withdrew from the proceeding. Red Ball Motor Freight, Inc. (hereinafter referred to as "Red Ball") served a protest on August 28, 1967, which was withdrawn on October 2, 1968. Ward Transport, Inc., Ruan Transport Corporation, H. M. Popp Truck Line, Groendyke Transport, Inc., and Bulk Transporters, Inc. (hereinafter referred to as "bulk commodity protestants") filed their protest served September 8, 1967, which was withdrawn October 2, 1968. The Denver and Rio Grande Western Railroad Company (hereinafter referred to as the "railroad") filed its protest served September 8, 1967.<sup>1/</sup>

Hearings were held before the full Commission in Denver, Colorado Springs and Pueblo, Colorado. For all practical purposes the application stands submitted unopposed.

Briefs were filed by applicant, protestant Red Ball, the bulk commodity protestants and the amicus curiae.

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<sup>1/</sup> The Denver and Rio Grande Western Railroad Company took no further interest in the proceedings.

Applicant is the present holder of a permit as a private carrier by motor vehicle issued by this Commission, No. A-404. This permit authorizes it to transport general commodities over the same routes in the State of Colorado in intrastate commerce as is requested by the within application (hereinafter the "A" permit may be referred to as either "private" or "contract" carrier authority).

The hearing extended over a period of about 3 weeks of hearing days in September, November and December, 1967. During this time applicant offered as evidence the testimony of more than one hundred witnesses. The great bulk of these were shipper witnesses, but also included was the operating testimony of Mr. Jerome W. Ephraim, the testimony of two experts in transportation economy, a common carrier operator, and three private carriers, two of which hold authority between Denver and Colorado Springs and Pueblo and intermediate points.

Protestants' evidence included the testimony of five Red Ball employees, including the terminal managers at Denver, Colorado Springs and Pueblo, and the General Traffic Manager from Dallas, Texas. Four bulk petroleum carriers also testified, as well as several connecting common carriers, one connecting with Red Ball at Colorado Springs and another at Pueblo, a Red Ball agent from Walsenburg, Colorado, and about 56 shipper witnesses.

The applicant as a motor vehicle private carrier has provided, and proposes to continue to provide as a common carrier, a service very responsive to the public need. Due to the nature of its operations it can perform late afternoon pickup service at Denver and deliver early in the morning at the points of Colorado Springs and Pueblo. Additionally, it performs Saturday morning delivery service in Colorado Springs and Pueblo, a service which is said to be needed by at least a segment of the economic community. It alone performs a scheduled service utilizing mechanically refrigerated equipment. This service is said to be needed by a number of shippers.

The application stands virtually unopposed. The amendment to the application eliminated the interest of the bulk commodity carriers. Red Ball, the principal if not the only real contestant during the hearings, subsequently withdrew its opposition. Red Ball is a large, well-managed motor common carrier. It must be deemed to be in the best position to know whether or not the granting of the instant application will subject it to material harm. In view of the withdrawal of Red Ball's opposition we must assume that the company will not be materially impaired by whatever we do.

We also observe that the route proposed herein serves the three principal cities within the State. Economic activity within these communities has increased significantly and shows no apparent saturation point. The growth and the change in the pattern of business in the area justifies another common carrier. In the light of such growth the totality of common carrier service by all modes of transportation will become more and more inadequate<sup>2/</sup> to serve the needs of the area, and the establishment of another common carrier service is imperative. The service of applicant as a private carrier can be discontinued voluntarily, or, as it is presently being operated, might be curtailed involuntarily. A significant number of businessmen in these communities support the grant of the common carrier operation proposed by Ephraim. Red Ball, the only true regular route common carrier of general commodities serving on schedule between the affected points having withdrawn its opposition to this application, must be deemed to have agreed to the grant of the application and to motor vehicle common carrier competition. Considering all these factors, we believe that, as set forth in our Findings and Order accompanying, the application as amended should be granted.

#### FINDINGS OF FACT

After due and careful consideration of the entire record in this proceeding, the Commission finds as facts from such record that:

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<sup>2/</sup> We do not infer that any particular common carrier is inadequate. We refer to the totality of available service between these points.

1. Ephraim, a Colorado Corporation, is the holder of private carrier by motor vehicle Permit No. A-404, authorizing transportation between Denver and Pueblo and intermediate points.

2. The common carrier authority here sought is substantially the same in territory, route and commodities as is authorized in private carrier Permit No. A-404, except for a restriction against commodities in bulk, in tank vehicles. The operations proposed are substantially the same as the operations have been under Permit No. A-404, subject to the difference between private and common carriers.

3. Applicant and its predecessors in interest have operated under said class A private carrier permit between Denver and Colorado Springs and Pueblo and points intermediate thereto for approximately 35 years. Said permit has been under the control of Ephraim since approximately November 18, 1963. Applicant has also operated for approximately 15 years as a private carrier by motor vehicle holding Permit No. A-494 authorizing transportation of freight between Denver and named points west of Denver on the Western Slope of Colorado.

4. Of the \$905,629.05 revenue received by motor carriers for hire between Denver and Colorado Springs during the year 1966, Ephraim obtained \$179,637.74, amounting to 19.84 percent according to the study by the staff of the Public Utilities Commission. The revenue between Denver and Pueblo received by motor carriers for hire during 1966 was \$616,519.80, of which Ephraim obtained \$85,987.10, or 13.95 percent according to the study. Ephraim handles nearly 2,000 shipments per month to Colorado Springs and nearly 1,000 shipments per month to Pueblo. Ephraim has approximately 900 customers in the area.

5. Ephraim maintains terminals in Denver, Colorado Springs and Pueblo. It employs an average of 69 employees system-wide.

6. The corporation has a total of 84 pieces of motor vehicle equipment which it uses system-wide. Its facilities include a shop employing three mechanics for the repair and maintenance of the vehicles.

7. Applicant makes one round trip between Pueblo and Denver and two round trips between Colorado Springs and Denver nightly, Monday through Friday. It uses the largest equipment permitted, consisting of a tractor connected to two twenty-seven foot long trailers on each trip.

8. The study of economist, Dr. Duane W. Pettyjohn, reveals that there has been a large growth in contract carriage in Colorado which has come about because of an expanding market in the Colorado Springs and Pueblo area. He indicates that motor carriers have obtained and will continue to obtain an increasing share of traffic, resulting from the expansion and industrialization taking place. This economic growth in the Denver-Colorado Springs-Pueblo corridor took place over the past 30 to 35 years and particularly in the past 20 years with large increases in the hub cities and their suburbs. Trends in population and per capita income show a steady upward increase to 1980. Wholesale and retail sales show an upward trend in all three cities and employment has increased in all three cities in recent years. Particularly Colorado Springs and Pueblo are becoming larger market areas. They are drawing more people who have larger incomes. The study shows a proven and projected growth pattern of the areas in question indicating a present and future need for motor vehicle transportation in an expanding market.

9. The shipper witnesses in support of applicant testified in each case that they had used the services of applicant in the past in applicant's operation as a contract carrier, and indicated that they were using applicant's service in more or less substantial degrees between Denver, Colorado Springs and Pueblo. They stated generally that they understood there were certain differences between common and contract carriers, particularly that a common carrier was required to serve all those who call upon him for service while a contract carrier may refuse service to anyone at any time. They found the Ephraim service satisfactory and in some cases found it to be a superior service. The services of applicant generally met a need of the witnesses and many expressed a

desire that more than one unrestricted common carrier by motor vehicle provide service to the points involved. Running generally through the testimony was the expressed desire and support for competition among carriers and several specifically called for competition among carriers of an equal status or competition between common carriers. Various witnesses stated that without Ephraim's services their businesses would suffer an adverse effect, and some said that they would actually lose sales without the service which Ephraim has been providing them. None of the witnesses stated any intention of diverting any of the traffic that Red Ball was receiving away from that carrier. These witnesses contend that they can generally get pick-up service at Denver, Colorado, when calling after 3:00 P.M., when they use the service of Ephraim. Further, they state that Ephraim delivers early in the morning at Colorado Springs and Pueblo. Additionally, they can obtain from Ephraim Saturday morning delivery service in Colorado Springs and Pueblo. Shippers of perishable commodities use Ephraim's service wherein Ephraim provides a scheduled, mechanically refrigerated trailer for the handling of perishables. Ordinarily Red Ball does not offer Saturday delivery, or such refrigerated service. Red Ball urges shippers to call it before 3:00 P.M. if same day pickup is desired. Occasionally when a shipper calls after 3:00 P.M. Red Ball is unable to pick up that same day.

10. Red Ball holds the only unrestricted certificate to operate as a common carrier by motor vehicle between the points involved. Santa Fe Trail Transportation Company, which did not appear in the proceeding, holds a common carrier certificate by motor vehicle which is restricted to provide service which is auxiliary to and supplemental of rail service only, with shipments moving on rail bills of lading at rail rates. Its shipments are limited to those which it receives from or delivers to the railway.

11. Denver and Rio Grande Western Railroad entered its protest and its appearance in the within proceeding. However it failed to

adduce any evidence or file any briefs in this matter and therefore its protest may be, for all practical purposes, disregarded. Additionally, it serves by a mode of transportation entirely different than that involved in this case. No evidence was introduced as to the frequency, quality, availability or adequacy of its services.

12. Even though opposition by Red Ball was withdrawn, its evidence in opposition has been considered. In view of Red Ball's withdrawal of opposition, such consideration would not affect the end result.

THE COMMISSION FURTHER FINDS:

1. That Ephraim Freightways, Inc. is fit, willing and able, financially and otherwise, to render the transportation services for which authority is granted in the following Order.

2. That the record contains substantial evidence tending to establish the fact that the protestants stand willing, ready and able to provide additional transportation services in the pertinent area, but said evidence, however, is too general, indefinite, uncertain and insufficient upon which to base a specific finding that protestants stand willing, ready and able to meet in a satisfactory manner in said area the demands of the public for the additional common carrier transportation services which will result should Applicant's authority, Permit No. A-404, be revoked and cancelled.

3. That the present and future public convenience and necessity require, or will require, the operation of Ephraim Freightways, Inc. as a common carrier by motor vehicle to render said transportation services provided its authority, to-wit: Permit No. A-404, be revoked and cancelled.

4. That Applicant should be granted the common carrier authority as set out in the Order following and concurrently therewith that Permit No. A-404 should be revoked and cancelled.



O R D E R

THE COMMISSION ORDERS:

That operating authority of Ephraim Freightways, Inc., Permit No. A-404, be, and the same hereby is, revoked and cancelled.

That Ephraim Freightways, Inc., be, and hereby is, granted a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire in scheduled service transporting general commodities, except commodities in bulk, in tank vehicles, over a regular route between Denver, Colorado, and Pueblo, Colorado, serving all intermediate points, over U. S. Highway No. 85, or U. S. Highway No. 87, or Interstate Highway No. 25; general freight between points within the area bounded on the south by the north city limits of the City and County of Denver, on the west by U. S. Highway No. 87, as presently designated, on the north by East 66th Avenue, and on the east by a line parallel to and a half mile easterly from U. S. Highway No. 85, as presently designated, and between points in said area, on the one hand, and, on the other, Denver, Colorado, Pueblo, Colorado, and intermediate points thereto, over the regular routes described above; perishable commodities requiring refrigeration, in pickup and delivery service between points within five miles of Denver, Colorado, and between points within seven miles of Colorado Springs, Colorado, where such commodities have a prior or subsequent movement over the line haul operations of Ephraim Freightways, Inc., and this ORDER shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

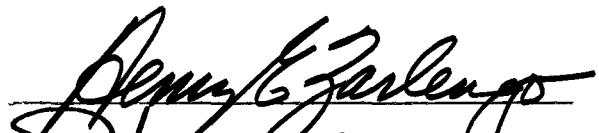
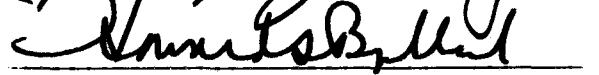
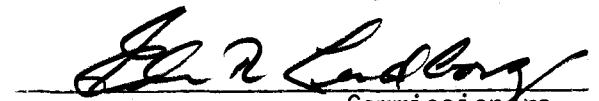
That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission within twenty days from the date hereof.

That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, public enemy or extreme conditions.

That this Order is subject to compliance by the holder of this Certificate 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 16th day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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RE: AIR CARRIER OPERATIONS OF )  
AIR CHARTERS OF DENVER, INC., )  
c/o HARLAN H. MITTON, P. O. BOX ) PUC NO. AC-10  
817, ALCOVA ROUTE, CASPER, )  
WYOMING. )  
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January 16, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 16, 1968, the Commission entered Decision No. 72046 authorizing Air Charters of Denver, Inc. to suspend operations under PUC No. AC-10 for a period of ninety (90) days with the proviso that if operation was not fully operative within said ninety (90) day period in accordance with the rules and regulations of the Commission, and suitable tariffs and insurance on file with the Commission, an Order to Show Cause would be issued to determine whether the Certificate should be cancelled.

On January 15, 1969, Application No. 23566-Transfer was filed by Air Charters of Denver, Inc. to transfer said PUC No. AC-10 to Metro Commuter Airlines, Inc., which said application has been set for hearing on February 17, 1969.

The Commission finds that in view of the foregoing it is in the public interest to extend its Order of October 16, 1968 to April 15, 1969, or until a decision has been entered by the Commission on said transfer application, whichever date occurs first.

O R D E R


THE COMMISSION ORDERS:

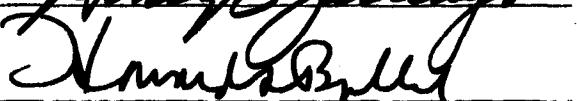
That the Order entered by the Commission on October 16, 1968, being Decision No. 72046, authorizing Air Charters of Denver, Inc. to suspend operations under PUC No. AC-10 be, and the same hereby is, extended to

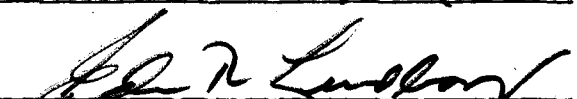
April 15, 1969, or until a decision has been entered by the Commission in Application No. 23566-Transfer, whichever occurs first.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 16th day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )  
BLAINE SHEESLEY, DOING BUSINESS AS )  
"BUENA VISTA TRASH SERVICE," P. O. )  
BOX 814, BUENA VISTA, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY AUTHORIZING EXTENSION )  
OF OPERATIONS UNDER PUC NO. 4038. )

APPLICATION NO. 23475-Extension

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January 20, 1969  
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Appearances: Peter Cosgriff, Esq., Leadville,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 25, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 4038 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 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

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

1. Applicant is an individual, doing business as "Buena Vista Trash Service."
2. Applicant presently holds under PUC Certificate No. 4038, the following authority:

"Call and demand transportation service for the collecting, transporting, and hauling of ashes, trash, garbage, and other refuse, for hire, between all points within a radius of five miles of the center of the Town of Buena Vista, Colorado, including all territory within the corporate limits of the Town of Buena Vista, Colorado."
3. Certificate No. 4038, to which authority extension is hereby sought, has been continually operated in the past and is presently in good standing with the Commission.
4. The extension applied for herein is compatible with, and does not conflict or duplicate the authority held by Applicant.
5. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. By this application, Applicant seeks to extend the authority under PUC No. 4038 to include the following:

"Transportation of ash, trash, garbage, rubbish, rock, dirt, scrap and waste, within that part of Lake County lying south of the point where U.S. Highway No. 24 intersects the road over Weston Pass, in Lake County, Colorado, and that part of Chaffee County lying north of a line running east and west across Chaffee County, Colorado, said line being and passing three miles south of the post office at Nathrop, Chaffee County, Colorado, and through the townsite of St. Elmo, Chaffee County, Colorado."
8. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
9. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
10. 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 authorizing that Applicant be and hereby is authorized to extend operations under PUC Certificate No. 4038 to include:

"Transportation of ash, trash, garbage, rubbish, rock, dirt, scrap and waste, within that part of Lake County lying south of the point where U.S. Highway No. 24 intersects the road over Weston Pass, in Lake County, Colorado, and that part of Chaffee County lying north of a line running east and west across Chaffee County, Colorado, said line being and passing three miles south of the post office at Nathrop, Chaffee County, Colorado, and through the townsite of St. Elmo, Chaffee County, Colorado."

That henceforth the full and complete authority under PUC No. 4038, as extended, shall read and be as follows, to-wit:

"Transportation of

(1) Ashes, trash, and other refuse

From all points within that portion of Lake County, State of Colorado, lying south of a line drawn east and west through a point where U.S. Highway No. 24 intersects the Weston Pass road and that portion of Chaffee County, State of Colorado, lying north of a line drawn east and west through St. Elmo, Colorado, and a point on U.S. Highway No. 24 three (3) miles south of the post office at Nathrop, Colorado to designated and approved dumps and disposal sites within Lake and Chaffee 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That Blaine Sheesley, doing business as "Buena Vista Trash Service," Buena Vista, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 4038 to include the following:

Transportation of ash, trash, garbage, rubbish, rock, dirt, scrap and waste, within that part of Lake County lying south of the point where U.S. Highway No. 24 intersects the road over Weston Pass, in Lake County, Colorado,

and that part of Chaffee County lying north of a line running east and west across Chaffee County, Colorado, said line being and passing three miles south of the post office at Nathrop, Chaffee County, Colorado, and through the town-site of St. Elmo, Chaffee County, Colorado.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4038 shall read and be as follows, to-wit:

Transportation of

(1) Ashes, trash and other refuse

From all points within that portion of Lake County, State of Colorado, lying south of a line drawn east and west through a point where U.S. Highway No. 24 intersects the Weston Pass road and that portion of Chaffee County, State of Colorado, lying north of a line drawn east and west through St. Elmo, Colorado, and a point on U.S. Highway No. 24 three (3) miles south of the post office at Nathrop, Colorado to designated and approved dumps and disposal sites within the following Counties of the State of Colorado: Lake and Chaffee.

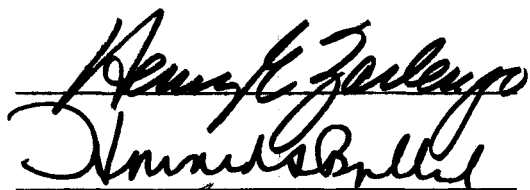
That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

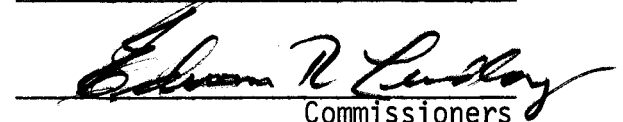
That Applicant shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1969.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF ROCKY )	
MOUNTAIN MOTOR COMPANY, INC., DOING BUSINESS )	
AS ROCKY MOUNTAIN MOTOR COMPANY, INC., COLO- )	
RADO TRANSPORTATION CO., DENVER CAB CO., )	
GRAY LINE SIGHTSEEING CO., AND ROCKY MOUNTAIN )	APPLICATION NO. 23381-Extension
PARKS TRANSPORTATION CO., 3455 RINGSBY COURT, )	<u>AMENDED</u>
DENVER, COLORADO, FOR AN ORDER CONSOLIDATING, )	<u>Consolidation and Clarification</u>
CLARIFYING AND EXTENDING PUC NO. 55, PUC NO. )	
55-I, PUC NO. 56 AND PUC NO. 56-I, INTO A )	
SINGLE CERTIFICATE TO BE KNOWN, REISSUED, AND )	
OPERATED AS PUC NO. 55 AND PUC NO. 55-I. )	
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January 20, 1969  
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Appearances: Walter M. Simon, Esq., Denver, Colorado, for Rocky Mountain Motor Company, Inc., Applicant;

David Butler, Esq., Denver, Colorado, for Colorado Motorway, Inc. and Denver-Boulder Bus Company, Protestants;

John R. Barry, Esq., Denver, Colorado, for Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Central Lines, Trans-continental Bus System, Inc., and Checker Cab Company, Inc., Protestants;

Raymond B. Danks, Esq., Denver, Colorado, for Denver Tramway Charter Co. and Denver Tramway Corporation, Protestant;

John F. Mueller, Esq., Denver, Colorado, for Cabs, Inc., doing business as Zone Cab Co., Protestant;

Lloyd C. Espinosa, Denver, Colorado, of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 3, 1968, Rocky Mountain Motor Company, Inc., filed with the Commission an application for consolidation, clarification and extension of Certificates of Public Convenience and Necessity PUC No. 55, PUC No. 55-I, PUC No. 56 and PUC No. 56-I.

On September 23, 1968, a petition to intervene was filed by Colorado Motorway, Inc. and Denver-Boulder Bus Company, which petition was granted by the Commission on September 27, 1968 in Decision No. 71940. Also

on September 23, 1968 a petition in the nature of a protest was filed by Continental Trailways Bus Companies and a protest was filed by Denver Tramway Charter Co.

After due and proper notice to all interested parties, the application was called for hearing before Commissioner Howard S. Bjelland at 10 a.m. on Friday, October 4, 1968 in the Hearing Room of the Commission.

At said time and place short opening statements were made by various counsel and some testimony was taken. At that point the Presiding Commissioner called a recess for the purpose of discussions with counsel, and after such discussions the Presiding Commissioner made certain oral orders, confirmed by Commission Decision No. 71976, dated October 8, 1968.

Decision No. 71976 granted applicant permission, if it so desired, to file an amended application and further directed that protestants file protests either to the amended application if one should be filed or to the original application, setting forth specifically the precise sections of the proposed consolidated, clarified and extended authority sought by applicant to which protestants object, as well as the grounds for such objection.

On October 21, 1968, the applicant filed an amended application and in due time thereafter, protests were filed by Denver Tramway Charter Co., and the Denver Tramway Corporation; by Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Central Lines, Transcontinental Bus System, Inc., and Checker Cab Company, Inc.; by Colorado Motorway, Inc. and Denver-Boulder Bus Company; and by Cabs, Inc., doing business as Zone Cab Company.

Subsequently, applicant filed motions to strike the protest and intervention filed by Denver Tramway Charter Co. and The Denver Tramway Corporation, and the protests and intervention filed by Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Central Lines, Transcontinental Bus System, Inc., and Checker Cab Company, Inc. on the grounds that the protests were not in conformity with the ordering portion of Commission Decision No. 71976.

Due and proper notice of the hearing on the amended application was given to all interested parties, and thereafter the amended application was called for hearing before Commissioner Howard S. Bjelland on December 9, 1968 at 10 a.m. in the Hearing Room of the Commission.

At the time of the hearing, the applicant moved to further amend the application in the following manner:

1. Amend paragraph 2 by adding the following sentence after the route descriptions:

"Restricted against transportation on schedule of passengers and property between Denver and Boulder and intermediate points and between Denver, Longmont, and Loveland and intermediate points."

2. Amend paragraph 4 as follows:

Change the period at the end to a comma and add the following:

", subject to the restriction that rates charged for such sightseeing transportation shall in all cases be non-competitive (higher) with the rates for charter and scheduled line haul transportation performed by authorized carriers to and from points named."

3. Amend route description eight (8) under paragraph 3 to read as follows:

"Between points and places within the City and County of Denver, except that there shall be no scheduled service between such points and places."

4. Amend paragraph 3 by inserting (except taxicabs) after the words "passenger car" so that said paragraph as amended would read as follows:

"The transportation, on schedule or otherwise, of passengers and their personal baggage by bus, limousine or passenger car (except taxicabs), and of express, packages, and light parcels in any type of vehicle, and the operation of a sightseeing service on schedule or otherwise, over the following routes serving all intermediate points along said routes."

Attorney for applicant advised the presiding Commissioner that upon the acceptance of Amendments One (1) and Two (2), he had been

authorized by attorney for protestants, Colorado Motorway, Inc., and Denver-Boulder Bus Company to withdraw their protests to the amended application. The presiding Commissioner then stated that the protest of Colorado Motorway, Inc., and Denver-Boulder Bus Company would be regarded as having been withdrawn.

Upon the acceptance of Amendment No. Three (3), counsel for Denver Tramway Charter Co., and the Denver Tramway Corporation requested that they be permitted to withdraw their protests, which request was granted.

Upon the acceptance of Amendment No. Four (4), counsel for Cabs, Inc., d/b/a Zone Cab Company, requested that they be permitted to withdraw their protest, which request was granted.

That portion of the amended application shown under paragraph 1 (except that portion which authorizes point to point service within the City and County of Denver) was granted by Commission Decision No. 4320 pursuant to Application No. 1606, which application requested the following operating authority:

"That applicants hereby make application for a certificate or certificates of public convenience and necessity to be granted and issued by this Commission to operate and engage in the business of operating taxicabs, motor cars, motor busses and vehicles for the transportation of passengers and their personal baggage, in addition to the transportation operations now being carried on by applicants respectively, from and between the City and County of Denver, Greeley, Fort Collins, Loveland, Longmont, Boulder, Estes Park, Lyons, and Idaho Springs, Colorado, to and from any and all other counties, cities, towns and points within said state of Colorado, in the nature of a special taxicab and bus service, such transportation to be engaged in under and pursuant to individual agreements, and to be rendered as occasion may require and the public demand therefor arises; and such operations to be irregular, occasional, non-scheduled operations over diverse and irregular routes between, or to or from any of said points and/or destinations."

In granting the authority, the Commission, in the ordering portion of Decision No. 4320 did not specifically quote the operating authority, but instead stated "that public convenience and necessity required the proposed motor vehicle operations as heretofore outlined

in Application No. 1606," Application No. 1606 being the application of Rocky Mountain Motor Company.

The Commission, in Decision No. 4320, made the following statement that appears to set forth the entire intent of the granting of authority to applicants.

"It would appear to the Commission from the record that a rather substantial demand exists for the proposed occasional motor car, motor bus, and chartered coach operations for which authority is sought in the pending applications, and it would further appear that if the conditions surrounding the granting of such authority are such that the same are made non-competitive with present existing scheduled carriers of passengers, that a public convenience and necessity can be met without material injury to those now holding certificates."

It is the interpretation of this Commission that the operating rights granted to Rocky Mountain Motor Co., were "chartered coach operations," and we will so find and set out in the findings portion of this Decision.

The extension requested by applicant in their amended application is set out in paragraph 4 as follows:

"The transportation by bus, limousine, or passenger car, on schedule, or otherwise, of passengers on sightseeing round trips originating in Denver, Boulder, Longmont, Loveland, Fort Collins, or Estes Park, to all scenic points and places in the state of Colorado, with stop-over privileges enroute."

No extension with trips originating in Denver is sought because applicant already holds sightseeing authority originating in Denver.

Public witnesses from the cities of Boulder, Loveland, Fort Collins, and Estes Park testified in support of the application. The cumulative effect of the testimony of witnesses as well as other persons, who, although they did not testify were in attendance at the hearing, and stated for the record that if called they would support the positions of those who had testified, was to establish that public convenience and necessity requires that the extension requested by applicant be granted.

## F I N D I N G S

### THE COMMISSION FINDS:

1. That the motion of applicant to strike the protest and intervention filed by Denver-Colorado Springs-Pueblo Motorway and its affiliated companies should be denied.
2. That the motion of applicant to amend its application to restrict against transportation on schedule of passengers and property, "between Denver and Boulder and intermediate points, and between Denver and Longmont and Loveland and intermediate points", serves no useful purpose, as the operating rights presently held by applicant do not allow this transportation service. It is therefore not necessary to place such a restriction in the certificate.
3. That Certificates of Public Convenience and Necessity, PUC No. 55, PUC No. 55-I, PUC No. 56, and PUC No. 56-I, as herein clarified, and extended should be consolidated into a single Certificate of Public Convenience and Necessity to be known and operated as PUC No. 55 and PUC No. 55-I.
4. That Certificate of Public Convenience and Necessity PUC No. 56 and PUC No. 56-I should be cancelled.
5. That the operating rights of applicant as set out in paragraph 1 of the amended application were granted by Commission Decision No. 4320 dated May 20, 1932, were granted as "chartered coach operations," and the operating authority of applicant, as set out in the ordering portion of this Decision will so show.
6. That the present and future Public Convenience and Necessity requires, and will require, that applicants' authority be extended to authorize:

"Transportation of passengers in sightseeing service from Denver, Boulder, Longmont, Loveland, Fort Collins, and Estes Park, state of Colorado on the one hand to all points and places in Colorado on the other hand.

RESTRICTION:

Rates charged for sightseeing transportation shall in all cases be non-competitive (higher) than the rates for charter and scheduled line haul transportation performed by authorized carrier between the same points."

O R D E R

THE COMMISSION ORDERS:

That the motion of applicant to strike the protest of Denver-Colorado Springs-Pueblo Motorway, Inc., Continental Bus System, Inc. (Rocky Mountain Lines Division), Denver-Salt Lake-Pacific Stages, Inc., American Bus Lines, Inc., Continental Central Lines, Transcontinental Bus System, Inc., and Checker Cab Company, Inc., be, and is herewith, denied.

That the motion of applicant to amend its application as set out in Amendment No. One (1) be and is herewith granted.

That Certificates of Public Convenience and Necessity PUC No. 55, PUC No. 55-I, PUC No. 56, and PUC No. 56-I be and are herewith consolidated and in the future will be operated under Certificate PUC No. 55 and PUC No. 55-I.

That Certificate of Public Convenience and Necessity PUC No. 56 and PUC No. 56-I is herewith cancelled and held for naught.

That the present and future public convenience and necessity now and in the future will require that the applicant be authorized to extend its authority as a common carrier for the:

"Transportation of passengers in sightseeing service from Denver, Boulder, Longmont, Loveland, Fort Collins, and Estes Park, state of Colorado on the one hand to all points and places in Colorado on the other hand.

RESTRICTION:

Rates charged for sightseeing transportation shall in all cases be non-competitive (higher) than the rates for charter and scheduled line haul transportation performed by authorized carriers between the same points."

That now and henceforth the operating authority of applicant, Rocky Mountain Motor Company, Inc. doing business as Colorado Transportation Co., Denver Cab Co., Gray Line Sightseeing Co., and Rocky Mountain Parks Transportation Co. shall be as follows:

1. Transportation of passengers in charter service, between Denver, Greeley, Fort Collins, Loveland, Longmont, Boulder, Estes Park, Lyons, and Idaho Springs, Colorado to and from all points in the state of Colorado.
2. Transportation of passengers in charter and sightseeing service between all points in the City and County of Denver, Colorado.
3. Transportation of passengers and express on schedule, and the operation of a sightseeing service, between the points and over the following routes:
  - (1) Denver to Estes Park, via Longmont, Berthoud, Loveland, and Big Thompson Canyon, and return.
  - (2) Denver to Estes Park, via Longmont, Lyons, and North St. Vrain and return.
  - (3) Denver to Estes Park, via Longmont, Lyons, and South St. Vrain, Allenspark, Copeland Lake, and Longs Peak, and return.
  - (4) Denver to Estes Park, via Boulder and Lyons, and return, either North or South St. Vrain, and between intermediate points.
  - (5) Longmont to Estes Park, via Lyons and North St. Vrain, and return.
  - (6) Longmont to Estes Park, via Lyons, South St. Vrain, Allenspark, Copeland Lake and Longs Peak, and return; also intermediate points between Lyons and Estes Park.
  - (7) Loveland to Estes Park and intermediate points, and return.
  - (8) Fort Collins to Estes Park and intermediate points, and return.
  - (9) Grand Lake to Denver, via Berthoud Pass and intermediate points, and return.
  - (10) Estes Park to Longs Peak and intermediate points, and return.
  - (11) Denver to Estes Park, via Greeley, and return; also intermediate points between Greeley and Estes Park, but no local business to or from Greeley and Denver or points intermediate.
  - (12) Greeley to Estes Park, via Loveland and intermediate points, and return.
  - (13) Boulder to Estes Park, via Lyons and North or South St. Vrain, and return.
  - (14) Estes Park to Drake, via North Big Thompson, and return.



- (15) Estes Park to Grand Lake and return.
  - (16) Estes Park to Horseshoe Park to Moraine Park to Glacier Basin to Bear Lake to YMCA Conference Camp to Estes Park, in either direction.
  - (17) Grand Lake to Granby, and return.
4. Transportation of passengers, and express on schedule and the operation of a sightseeing service, and the transportation of packages and light parcels in any type of vehicle, between the points and over the following routes:
- (1) Denver to Golden to Lookout to Bergen Park to Evergreen to Morrison to Denver, or vice versa.
  - (2) Denver to Lookout Mountain and return, via Golden, or return via Mt. Vernon Canon.
  - (3) Denver to Golden to Lookout to Bergen Park to Echo Lake to top Mt. Evans, return via Deer Creek Canon and Turkey Creek Canon to Denver.
  - (4) Denver to Echo Lake and return, via Squaw Pass and Bergen Park.
  - (5) Denver to Echo Lake via Bergen Park and Squaw Pass, return via Chicago Creek to Idaho Springs to Bergen Park to Evergreen and Morrison.
  - (6) Denver to Georgetown and Silver Plume and return via Bear Creek.
  - (7) Golden to the bottom of Floyd Hill at the junction of U.S. Highway No. 40 and U.S. Highway No. 6, via Lookout Mountain or via Mt. Vernon Canon.
  - (8) Between all points within the City and County of Denver, Colorado.

RESTRICTION:

Route No. Eight (8) is restricted against scheduled operations, and taxicab service.

5. Transportation of passengers in sightseeing service from Denver, Boulder, Longmont, Loveland, Fort Collins, and Estes Park, state of Colorado on the one hand to all points and places in Colorado on the other hand.

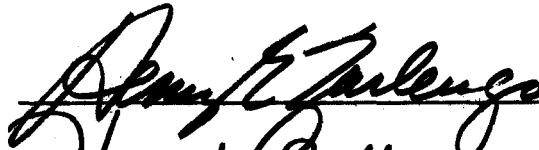
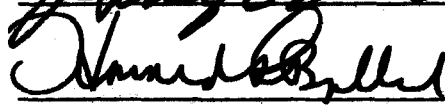
RESTRICTION:

Rates charged under Item No. Five (5) shall in all cases be non-competitive (higher) than the rates for charter and scheduled line haul transportation by authorized carriers between the same points.

6. Authorized to use equipment in the state of Colorado as a common 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.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1969.  
ls

(Decision No. 72433)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL RODEN, DOING BUSINESS AS "BIG )  
SKY TIMBER CO.," 245 NORTH ASH, )  
CORTEZ, COLORADO, FOR A CLASS "B" )     APPLICATION NO. 23506-PP  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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January 20, 1969  
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STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 25, 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 called for hearing -- by Commission Examiner Robert L. Pyle -- at the time and place as set forth in the Notice of Hearing, duly sent by the Commission to the Applicant, who, without regard to such notice, failed to appear in person or by representative.

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

O R D E R

THE COMMISSION ORDERS:

That Application No. 23506-PP be, and the same is hereby, dismissed  
forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Fairley  
Donald B. Bell

Ed R. Lundberg  
Commissioners

Dated at Denver, Colorado,  
this 20th day of January, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
M. R. Watters dba )  
Watters Truck Line )  
Cheraw, Colo. 81030 )  
----- )

AUTHORITY NO. B-859  
CASE NO. 1332-H-Ins

-----  
January 20, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 24, 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.

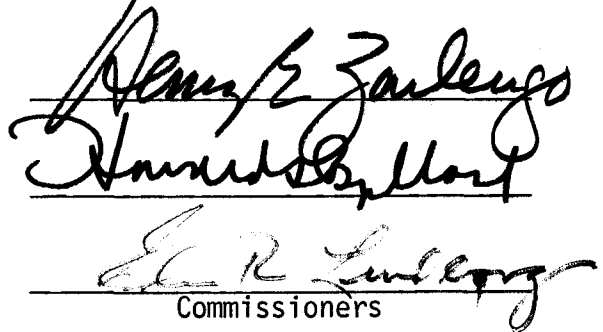
O R D E R

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  
20th day of January, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Duane C. Viney )  
131 Hartman )  
Fort Collins, Colo. 80521 )

AUTHORITY NO. B-7008  
CASE NO. 1337-H-Ins

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January 20, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 24, 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.

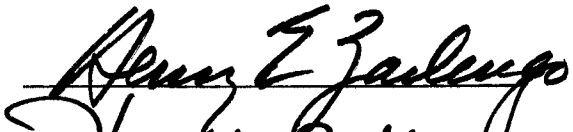
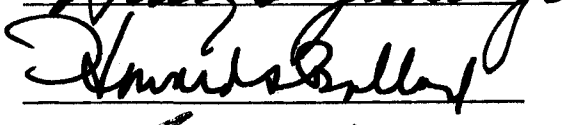

O R D E R

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  
20th day of January, 1969 .

(Decision No. 72436)

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

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January 21, 1969  
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Appearances: Warren Reams, Esq., Grand Junction,  
Colorado, for Respondent;  
John J. Conway, Esq., Denver, Colorado,  
for the Contract Carriers Conference  
of the Colorado Motor Carriers'  
Association, as Amicus Curiae;  
Robert L. Pyle, Esq., Denver, Colorado,  
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 27, 1968, the Commission entered Decision No. 72230 in the above-entitled case, which decision, among other things, assessed an alternative penalty in the sum of \$1,250.00.

On December 30, 1968, "Petition for Reduction of Assessment," was filed by Warren F. Reams, Attorney for Respondent.

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

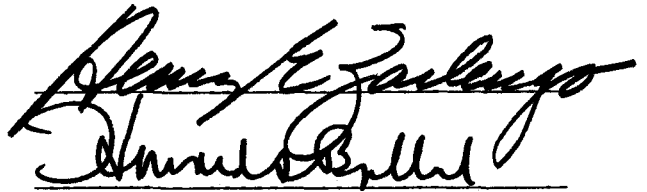
O R D E R

THE COMMISSION ORDERS:

That "Petition for Reduction of Assessment," filed with the

Commission by the Respondent herein, be, and the same hereby is,  
denied.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE VOLUNTARY REVOCATION )  
OF CERTIFICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY, PUC NO. 3906, HELD IN THE NAME ) PUC NO. 3906  
OF RAY'S SUBURBAN DISPOSAL, INC., 3939 )  
SOUTH KALAMATH STREET, ENGLEWOOD, COLORADO.)  
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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 29, 1968, "Petition to Revoke," was filed with the Commission by William Andrew Wilson, Attorney for Ray's Suburban Disposal, Inc., requesting voluntary revocation of Certificate of Public Convenience and Necessity, PUC No. 3906.

The Commission has carefully considered said Petition and each and every allegation thereof, and states and finds that said Petition should be granted and PUC No. 3906 should be revoked.

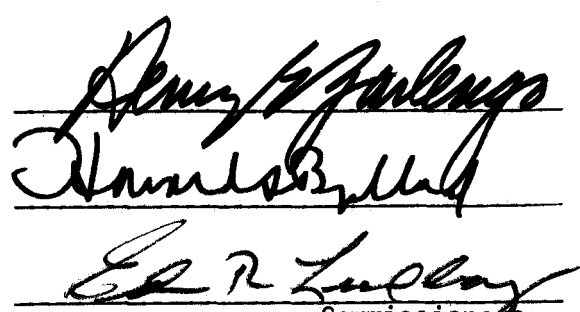
O R D E R

THE COMMISSION ORDERS:

That Petition to Revoke filed herein by Ray's Suburban Disposal, Inc., be, and the same hereby is, granted, and Certificate of Public Convenience and Necessity, PUC No. 3906, of Ray's Suburban Disposal, Inc., be, and the same hereby is cancelled and revoked.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

(Decision No. 72438)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
JOE I. KELLY, 338½ MAIN, DELTA, )	APPLICATION NO. 23362-PP-Transfer
COLORADO, FOR AUTHORITY TO TRANSFER )	<u>SECOND SUPPLEMENTAL ORDER</u>
PERMIT NO. B-5270 TO FRANK RUBALCABA, )	
934 VINE STREET, DELTA, COLORADO. )	

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January 21, 1969  
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Appearances: Frank Rubalcaba, Delta,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1968, the Commission entered Decision No. 72342 in the above-styled matter, setting aside Decision No. 71990, dated October 9, 1968, authorizing the transfer of Permit No. B-5270 for failure of Applicants to comply with requirements set forth in said Decision No. 71990.

It now appears that Applicants herein have complied with all requirements of Decision No. 71990, and request that the transfer therein authorized be made fully effective.

The Commission states and finds that said request is not incompatible with the public interest and should be granted as set forth in the Order following.

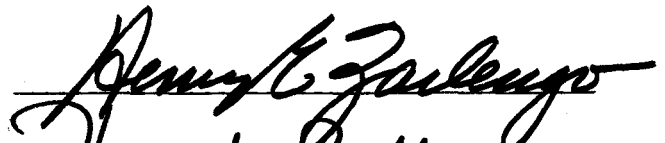

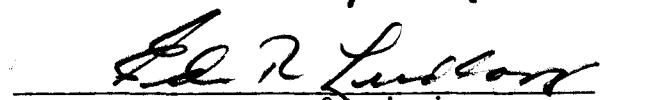
O R D E R

THE COMMISSION ORDERS:

That Decision No. 72342, dated December 23, 1968, be, and the same hereby is, vacated, set aside, and held for naught, as of said 23rd

day of December, 1968, and that the Secretary of the Commission is hereby instructed to change the records of the Commission to show Permit No. B-5270 to be owned and operated by Frank Rubalcaba, Delta, Colorado, authority granted by this Commission to transfer said operating rights, by Decision No. 71990, dated October 9, 1968, being made fully effective.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

(Decision No. 72439)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DUANE BRUNO, 5571 EAST 84TH, )  
HENDERSON, COLORADO, FOR AUTHOR- )  
ITY TO TRANSFER PERMIT NO. B-6058 )  
TO FRANK A. STRONG, JR. AND )  
CHARLES E. STRONG, DOING BUSINESS )  
AS "STRONG BROS. EXCAVATING," )  
188 FEDERAL BOULEVARD, DENVER, )  
COLORADO. )  
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APPLICATION NO. 23355-PP-Transfer  
SECOND SUPPLEMENTAL ORDER

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January 21, 1969  
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Appearances: Charles E. Strong and  
Frank A. Strong, Jr., appearing  
individually and for the  
partnership of Strong Bros.  
Excavating;  
Charles E. Strong, appearing by  
power of attorney for Duane Bruno.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1968, the Commission entered Decision No. 72344 in the above-styled matter, setting aside Decision No. 71857, dated September 11, 1968, authorizing the transfer of Permit No. B-6058, for failure of Applicants to comply with requirements set forth in said Decision No. 71857.

It now appears that Applicants herein have complied with all requirements of Decision No. 71857, and request that transfer therein authorized be made fully effective.

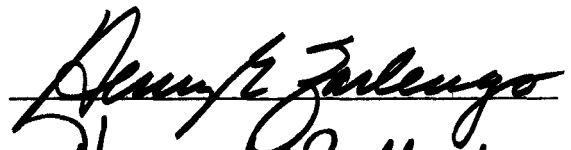
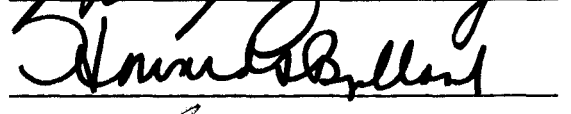

The Commission states and finds that said request is not incompatible with the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72344, dated December 23, 1968, be, and the same hereby is, vacated, set aside, and held for naught, as of said 23rd day of December 1968, and that the Secretary of the Commission is hereby instructed to change the records of the Commission to show Permit No. B-6058 to be owned and operated by Frank A. Strong, Jr. and Charles E. Strong, doing business as "Strong Bros. Excavating," Denver, Colorado, authority granted by this Commission to transfer said operating rights by Decision No. 71857, dated September 11, 1968, being made fully effective.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.

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(Decision No. 72440)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS )	
OF ALFRED HURTADO, 3314 GILPIN )	PERMIT NO. B-4314
STREET, DENVER, COLORADO. )	<u>CASE NO. 1169-H-Ins.</u>
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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 15, 1968, in the above entitled Case, the Commission entered its Order revoking the above authority for failure to maintain effective cargo insurance on file with the Commission.

The records of the Commission now disclose that by Decision No. 72220, dated November 26, 1968, Permit No. B-4314, was amended and restricted so that cargo insurance coverage is not required.

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 Permit No. B-4314 be, and the same hereby is, reinstated as of the date of revocation and the said revocation order be, and the same hereby is, vacated, set aside, and held for naught.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry Ziegler*  
*Donald B. Howell*  
*Ed. J. Linsley*  
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 Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.

(Decision No. 72441)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )	
ALVERNE A. JONES, DOING BUSINESS AS )	PUC NO. 2875, PUC NO. 4063
"MOUNTAIN DISPOSAL SERVICE," 10670 )	<u>PERMIT NO. B-6505</u>
WEST 47TH PLACE, WHEATRIDGE, )	
COLORADO. )	

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 9, 1968, the Commission entered Decision No. 70669 approving encumbrance of PUC No. 2875, PUC No. 4063, and Permit No. B-6505, to the First National Bank of Arvada, Colorado, to secure payment of the sum of \$17,000.

The Commission is now in receipt of a communication from George M. Graber, Attorney, stating that Alverne A. Jones, doing business as "Mountain Disposal Service," has refinanced his loan with the First National Bank and has increased the indebtedness to the sum of \$23,000.00 in accordance with the certain terms and conditions as set forth in copies of the Security Agreement and Note, properly filed with the Commission in accordance with the statutory provisions of the Uniform Commercial Code, and requesting approval thereof.

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:

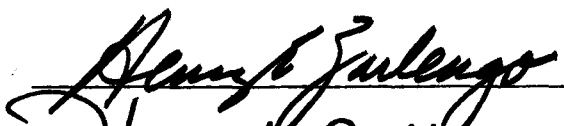

That encumbrance of PUC No. 2875, PUC No. 4063, and Permit No. B-6505, authorized by Decision No. 70669, dated January 9, 1968, be,

and the same hereby is, released, as requested by the parties herein, insofar as it concerns this Commission.

That Debtor, Alverne A. Jones, doing business as "Mountain Disposal Service," be, and hereby is, authorized to encumber all right, title and interest in and to PUC No. 2875, PUC No. 4063 and Permit No. B-6505 to Secured Party, The First National Bank of Arvada, Colorado, to secure payment of the indebtedness in the sum of \$23,000.00, as set forth in the Statement preceding, which is made a part of this Order by reference.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.

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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )	
CHARLES R. TILLOTSON, P. O. BOX 25, )	
HESPERUS, COLORADO, FOR A CLASS "B" )	
PERMIT TO OPERATE AS A PRIVATE CARRIER )	<u>APPLICATION NO. 23515-PP</u>
BY MOTOR VEHICLE FOR HIRE. )	
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January 21, 1969  
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Appearances: Charles R. Tillotson, Hesperus,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 3, 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 Commisison 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

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

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles R. Tillotson, Hesperus, 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 the rendering of any town-to-town service.

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

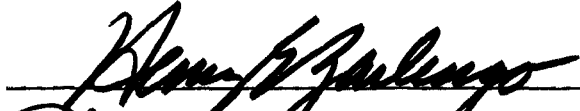
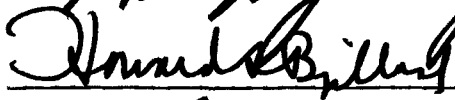
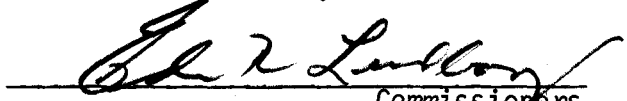
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

  
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Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
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BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION OF )	
TRANS CENTRAL AIRLINES, INC., )	
STAPLETON INTERNATIONAL AIRPORT, )	
DENVER, COLORADO, FOR A CERTIFICATE )	<u>APPLICATION NO. 23435</u>
OF PUBLIC CONVENIENCE AND NECESSITY )	
TO OPERATE AS A SCHEDULED COMMON )	
CARRIER BY AIRPLANE. )	

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January 21, 1969  
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Appearances: Bruce Ownbey, Esq., Denver,  
Colorado, for Applicant;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Atlas Aircraft  
Corporation, Protestant;  
John R. Barry, Esq., Denver,  
Colorado, for Denver-Colorado  
Springs-Pueblo Motorway, Inc.,  
Protestant;  
Raymond M. Wilson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, Applicant seeks authority to operate as a scheduled common carrier of passengers and property by aircraft on a scheduled basis between Denver, Pueblo and Trinidad, Colorado.

Said application, pursuant to prior setting, after appropriate notice to all parties in interest, was heard by Chairman Henry E. Zarlengo, and at the conclusion of the hearings the matter was taken under advisement.

The Protestant, Atlas Aircraft Corporation, protested on the grounds that the Protestant "is a duly certificated common carrier authorized to transport persons and property by airplane" in the pertinent area and stated "it is ready, willing and able to render the service sought to be rendered under the application and that the present and future

public convenience and necessity do not require the granting of said application." This Protestant is the owner and operator of PUC No. AC-17 which authority does not provide scheduled service. The Protestant, Atlas Aircraft Corporation, did not present any evidence in support of its protest.

The Protestant, Denver-Colorado Springs-Pueblo Motorway, Inc. based its protest, among other things, on the grounds that it "is a common carrier of passengers, baggage and express under a Certificate issued by the Commission;" that it renders service between Denver, Colorado Springs and Pueblo, providing 22 schedules each 24-hour day, and between Pueblo and Trinidad provides 4 schedules each 24-hour day; that the large amount of surface transportation provided by it is adequate to meet the public demands for transportation and there is no need for additional public transportation between the points covered by the application; that the vast bulk of travel between the pertinent communities is by private automobile; that should the authority be granted business would be taken from it which would weaken its financial position.

Approximately 20 witnesses testified in support of the application. These witnesses came from all walks of life and were representative of the public in general, such as, the City Manager of Trinidad, a physician, a manufacturer's representative, an operator of a nursing home, a pharmacist, members of chambers of commerce, representatives of hospitals, colleges, and schools in the area, a representative of a handicapped children's school, a representative of a Senior Citizens Group, a rancher, and others speaking for the public and business enterprises.

These witnesses testified generally and in substance as follows: that many people with limited time come to Trinidad to make inspections of businesses and the possibility of establishing businesses; that there is a need for the swift transportation of parts in many instances where emergencies are involved; that there is a need for swift transportation of

medications, drugs and specimens where time is of the essence; that specimens often must be shipped to pathologists located in the larger cities for diagnosis and reports and it is a very serious matter to have the reports as soon as possible; that emergency patients must often be sent to Denver, or Pueblo, and time is most important in such cases and is critical to the health and welfare of such patients; that should the air transportation service requested be authorized many more specialists would find it possible and would have the time to, and would, come to Pueblo and Trinidad for consultation on serious cases; that without such transportation service available the community is actually in a great many cases, deprived of the most recent medical judgment in diagnosis in the most serious cases; that there are hundreds of patients in nursing homes whose relatives must come great distances and who would come more often for visiting if quicker transportation were available; that some of these visitors need faster and more convenient means of transportation than is afforded by surface transportation; that with air service between Raton, New Mexico, Trinidad and Pueblo, the community interest of said municipalities would be greatly benefited as their economies are closely inter-related; that many projects are imminently pending for building and expansion of urban renewal, dams, low-rent housing and reclamation, all of which enterprises will be given a needed boost toward materialization if air transportation is available; that many students from the nearby colleges and schools, having available air transportation, would find it more expedient and satisfactory in visiting relatives and their relatives would find it the same in visiting them; that in particular, with regard to urban renewal projects, heads of the projects must travel long distances and consequently would make extensive use of air travel due to their limited time schedule.

One rancher engaged extensively in the cattle industry stated that the cattle raisers in the area are at a great disadvantage as buyers must, and do, move rapidly from place to place in making purchases of

cattle; that the sale of cattle is a highly competitive business and if air travel is available to these buyers it will be of great benefit to the buyers and to the cattle raisers; that he was spokesman for the Association which comprises approximately 200 members all of whom are similarly situated and would benefit by the availability of air service; that under the present situation to go to other air terminals the passenger must use private cars which must be left at the airport for several days, or have someone drive the passenger, either of which is unsatisfactory, undesirable and inconvenient; that witnesses themselves would make use of air freight service if available especially when parts are needed for repairs in emergency situations. Several witnesses complained about the slowness of mail service into Trinidad and stated that it could be greatly improved by air freight.

Witnesses testified and exhibits were introduced to establish the fitness, competency, and ability of the Applicant to satisfactorily provide the service, which evidence was not seriously disputed.

The Protestant bus company proffered evidence to establish that the bus company provides very numerous scheduled trips between the pertinent points; that their buses are of the latest and most modern type; that travel by bus has become more and more comfortable with the improvement of equipment; that it has been providing service satisfactorily for the public for many years; that should the application be granted its business would be decreased and the financial integrity of the company would be weakened; that it stands ready, able and willing to meet the requirements of the public convenience and necessity.

The undisputed evidence is that the differences between one-way passenger fares for surface transportation and air transportation are as follows:

	<u>Air</u> <u>Transportation</u>	<u>Surface</u> <u>Transportation</u>	<u>Difference</u>
Denver to Pueblo	\$10.50	\$3.85	\$ 6.65
Denver to Trinidad	\$17.50	\$6.75	\$10.75



Trips between other points will involve comparable savings to the public which will naturally tend to encourage continued use of surface transportation.

The great disparity in rates in itself will provide adequate protection insofar as competition is concerned for it is obvious that if surface transportation by bus is as comfortable and convenient as it is contended the majority of travelers will continue to use surface transportation by bus because in one instance there will be a savings per round trip of \$13.30 and in the other instance \$21.50. In this respect the Commission finds that, with but very few exceptions members of the public who will make use of air transportation will by and large be limited to those to whom time is most important and is a matter of emergency.

The Commission finds that the present available common carrier transportation of passengers and of freight is not adequate to meet this particular type of transportation need of the public to be served; that present and future public convenience and necessity require and will require the type of service prayed for in the application; that the Applicant corporation will have experienced personnel and adequate and suitable equipment to carry on the proposed operation; that Applicant's financial standing and qualifications are established to the satisfaction of the Commission; and, that the application should be granted as set forth in the Order following.

#### ORDER

##### THE COMMISSION ORDERS:

That Trans Central Airlines, Inc., Denver, Colorado, be, and hereby is, authorized to operate 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, and this ORDER shall be deemed to be, and be, a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

The Applicant shall file tariffs of rates, rules and regulations and time and distance schedules, with, and to be approved by, this Commission within twenty days from the date hereof.

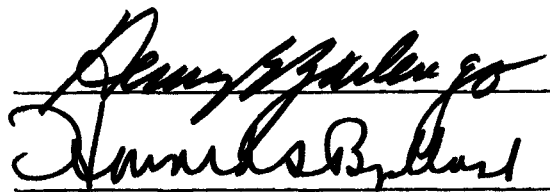

The Applicant shall carry suitable insurance protection, covering public liability, property damage, and passenger liability insurance, and shall continue to carry such insurance and any other insurance protection that may be required by the Commission.

The Applicant shall operate its carrier system according to the schedule filed except when prevented by Act of God, the public enemy or extreme conditions.

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 the day and date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WILLIAM JOSEPH MCKINNEY AND DONALD )  
R. SHANK, DOING BUSINESS AS "PARK )  
ASH & TRASH," BOX 212, FAIRPLAY, )  
COLORADO, FOR A CERTIFICATE OF )  
PUBLIC CONVENIENCE AND NECESSITY )  
TO OPERATE AS A COMMON CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 23521

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January 21, 1969  
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Appearances: William Joseph McKinney, Fairplay,  
Colorado, pro se;  
Donald R. Shank, Fairplay,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 5, 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

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

1. Applicants are partners doing business as "Park Ash & Trash".
2. Applicants do not hold previously granted authority from this Commission.
3. It is the intent and proposal of Applicants to serve all of Park County and in order to make the authority financially sufficient, they would need to have all of the County.
4. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
5. 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.
6. 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.
7. There is presently no service available.
8. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
9. 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 common carriers by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Ashes, trash, and other refuse

From all points within Park County, State of Colorado, to regularly designated and approved dumps and disposal sites located within Park 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That William Joseph McKinney and Donald R. Shank, doing business as "Park Ash & Trash," Fairplay, Colorado, be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire for the following:

Transportation of

(1) Ashes, trash, and other refuse

From all points within Park County, State of Colorado, to regularly designated and approved dumps and disposal sites located within Park County, Colorado;



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

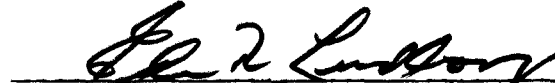
That Applicant shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

That this Order is subject to compliance 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

  
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Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
gf

(Decision No. 72445)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HENRY RUPPLE, DOING BUSINESS AS "A )  
& M DELIVERY SERVICE," 428 JOLIET, )  
AURORA, COLORADO, FOR AUTHORITY TO )  
EXTEND OPERATIONS UNDER PERMIT )  
NO. B-5934. )

APPLICATION NO. 23526-PP-Extension

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January 21, 1969  
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Appearances: Henry Ruppel, Aurora,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 4, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-5934 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 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

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

1. Applicant is an individual doing business as "A & M Delivery Service."
2. Applicant presently holds authority from this Commission under Certificate of Authority PUC No. 3501, which provides as follows:

"Transportation of general commodities, except commodities which, because of size or weight, require special equipment, and provided that there be no package delivery, as such, under the authority herein granted, and no transportation of furniture requiring the movement of more than small amounts, or requiring van-size type equipment, from point to point within the City and County of Denver, State of Colorado."
3. Applicant also holds authority from this Commission under Permit No. B-5934, which provides as follows:

"Transportation of advertising and display cards, printed materials, toys and novelties, and all other commodities handled by his customers, between points within a radius of twenty miles of Colfax and Broadway, Denver, Colorado, for Color-Ad Display Company, General Letter Service, and Victor Gruber Toys and Novelties."
4. The authority to which extension is hereby sought, Permit No. B-5934, has been continually operated in the past and is presently in good standing with the Commission.
5. By this application, Applicant seeks to extend the authority under Permit No. B-5934 to add the following customers:

"Lakewood K-Mart Store, 7325 West Colfax; Englewood K-Mart Store, 200 West Belleview; and Arvada K-Mart Store, 9881 West 58th Avenue."
6. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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 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.



10. 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.
11. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-5934 to add the following customers:

"Lakewood K-Mart Store, 7325 West Colfax; Englewood K-Mart Store, 200 West Belleview; and Arvada K-Mart Store, 9881 West 58th Avenue."

That henceforth the entire authority under Permit No. B-5934 shall be as follows:

"Transportation of

- (1) Advertising and display cards, printed material, toys and novelties and all other commodities handled by his customers.

Between points within a twenty (20) mile radius of Colfax Avenue and Broadway, Denver, Colorado, for the following named customers, only, viz:

1. Color-Ad Display Company.
2. General Letter Service.
3. Victor Gruber Toys and Novelties.
4. Lakewood K-Mart Store, 7325 West Colfax.
5. Englewood K-Mart Store, 200 West Belleview.
6. Arvada K-Mart Store, 9881 West 58th Avenue."

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 of the Examiner, as hereinabove set forth, and -- in addition, also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

#### O R D E R

#### THE COMMISSION ORDERS:

That Henry Ruppel, doing business as "A & M Delivery Service," Aurora, Colorado, be, and hereby is, authorized to extend operations under

Private Carrier Permit No. B-5934 by adding the following-named customers,  
to-wit:

Lakewood K-Mart Store, 7325 West Colfax;  
Englewood K-Mart Store, 200 West Belleview;  
Arvada K-Mart Store, 9881 West 58th Avenue.

That henceforth the full and complete authority under Private  
Carrier Permit No. B-5934 shall read and be as follows, to-wit:

Transportation of

- (1) Advertising and display cards, printed materials, toys  
and novelties and all other commodities handled by the  
customers as authorized to be served hereunder.

Between points within a twenty (20) mile radius of  
Colfax Avenue and Broadway, Denver, Colorado.

RESTRICTION:

This Permit is restricted to the rendering of trans-  
portation service for only the following-named customers:

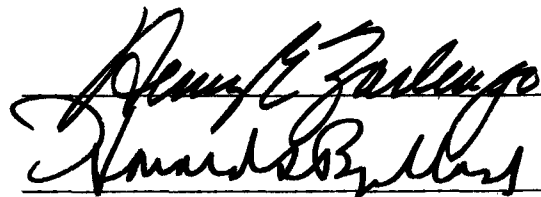
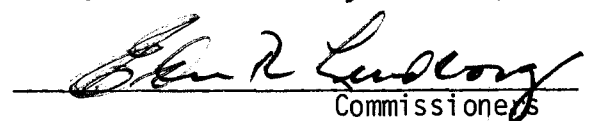
1. Color-Ad Display Company;
2. General Letter Service;
3. Victor Gruber Toys and Novelties;
4. Lakewood K-Mart Store, 7325 West Colfax;
5. Englewood K-Mart Store, 200 West Belleview;
6. Arvada K-Mart Store, 9881 West 58th Avenue.

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

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has  
filed a statement of his customers, the necessary tariffs, required  
insurance and has secured authority sheets.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioner

Dated at Denver, Colorado,  
this 21st day of January, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
HOWARD BLACK )  
261 SOUTH DALE COURT )  
DENVER, COLORADO 80219 )

PERMIT NO. M-7112

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-----  
January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 18, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zuleygo*  
*Donald S. Butler*  
*Edw. R. Luskong*  
Commissioners

Dated at Denver, Colorado,  
this 21 day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
ANDERSON'S TOYLAND, INC. )  
2340 WEST 4TH AVENUE )  
DENVER, COLORADO 80204 )

PERMIT NO. M-9162

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Fairley*  
*Donald B. Miller*

*Ed R. Lumborg*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
HAROLD SAWYER )  
P. O. BOX 58 )  
LAFAYETTE, COLORADO 80026 )

PERMIT NO. M-11847

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 15, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Galego*  
*Donald D. Miller*  
*Ed R. Luskong*  
Commissioner

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
R. J. DERVEY, DOING BUSINESS AS )  
"DERVEY RESTAURANT EQUIPMENT CO." )  
1140 YUMA STREET )  
DENVER, COLORADO 80204 )

PERMIT NO. M-13892

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 14, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Demetrius Zuluaga*  
*Donald Miller*

*Ed R. Lindsay*  
Commissioners

Dated at Denver, Colorado,  
this 21 day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
ARCHITECTURAL NATIVE STONE OF COLO.INC. }  
ROUTE 1, BOX 206-A }  
BROOMFIELD, COLORADO 80020 }

PERMIT NO. M-14712

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 8, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry C. Zuleygo  
Howard B. Kelley  
E. R. Kullberg  
Commissioners

Dated at Denver, Colorado,  
this 21 day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
MATHIAS CONCRETE INC.  
P. O. BOX 266, 100 N. WASHINGTON  
MONTE VISTA, COLORADO 81144

PERMIT NO. B-6743

-----  
January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 13, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Ziegler*  
*Howard B. ...*

*Ed R. ...*  
Commissioners

Dated at Denver, Colorado,  
this 21 day of January, 1969.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF

ROBERT & EMERSON FINCH & JOHN  
SWARM, DOING BUSINESS AS  
"F S F TRUCK LINE"  
BOX 132  
FOUNTAIN, COLORADO 80817

PERMIT NO. A-755

January 21, 1969

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 December 30, 1968 to and including June 30, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 21 day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN SLOPE GAS COMPANY, 550-15TH )  
STREET, DENVER, COLORADO, FOR A CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO CONSTRUCT, OPERATE AND )  
MAINTAIN A GAS TRANSMISSION PIPELINE )  
FROM THE TERMINUS OF ITS PRESENT PIPE- )  
LINE NEAR LOUISVILLE, BOULDER COUNTY, )  
COLORADO, TO A POINT OF CONNECTION )  
WITH ITS EXISTING PIPELINE NEAR THE )  
TOWN OF DILLON, SUMMIT COUNTY, COLORADO, )  
TOGETHER WITH LATERALS THEREFROM; AND )  
TO PROVIDE GAS PIPELINE TRANSMISSION )  
SERVICE FROM SUCH FACILITIES. )  
-----

APPLICATION NO. 23545

-----  
January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 30, 1968, the above-styled application was filed with the Commission.

Said application is presently set for hearing on January 24, 1969, at 10:00 A.M., at Denver, Colorado.

On January 16, 1969, by Decision 72428, the Commission granted Protest and Petition to Intervene of Rocky Mountain Natural Gas Company, Inc., filed with the Commission on January 10, 1969.

On January 15, 1969, Rocky Mountain Natural Gas Company, Inc., Protestant and Intervenor herein, filed with the Commission "Motion for Production of Documents and for Continuance of Hearing Date," together with "Interrogatories."

The Commission finds that arguments should be made on the Motion for Production of Documents, and on the issue raised by Petitioner, Rocky Mountain Natural Gas Company, Inc., in filing Interrogatories as to whether or not such interrogatories, or part of them, should be answered, and should be set on January 24, 1969, at 10:00 A.M., at Denver, Colorado, and that the hearing on the Application itself heretofore set to be heard on January 24, 1969, at 10:00 A.M., at Denver, Colorado, be vacated and set aside; said hearing on the Application to be thereafter reset by the Commission.

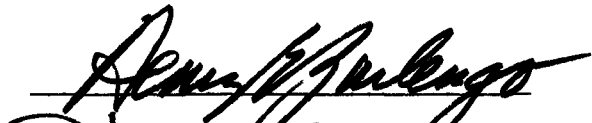
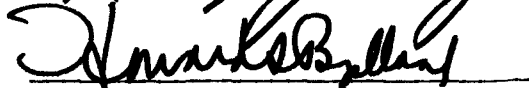

O R D E R

THE COMMISSION ORDERS:

That arguments by the parties be made on the Motion for Production of Documents and the issue raised by Petitioner, Rocky Mountain Natural Gas Company, Inc., in the filing of Interrogatories as to whether or not such interrogatories, or part of them, should be answered, and be, and the same hereby are, set for hearing at 10:00 A.M., on January 24, 1969, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That the hearing presently set for 10:00 A.M., on January 24, 1969, at Denver, Colorado, on Application No. 23545, be, and the same hereby is, vacated, and hereafter to be reset by the Commission.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.

sl

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
COFFING BROTHERS ORCHARD CO., INC. )  
R. R. NO. 1 )  
COVINGTON, INDIANA 47952 )

PUC NO. 6011-I

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January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

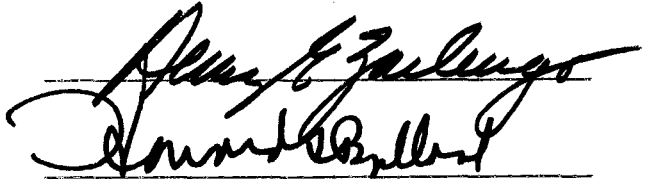
The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 1, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
MATTHEW PAPI )  
3284 S. DELAWARE )  
ENGLEWOOD, COLORADO )

PERMIT NO. M-12808

-----  
January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 23, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zedeno*  
*David B. Butler*  
*Ed R. Lindberg*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF

MATTHEW PAPI  
3284 S. DELAWARE STREET  
ENGLEWOOD, COLORADO 80110

PERMIT NO. B-6551

-----  
January 21, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

ORDER

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 23, 1969 to and including July 23, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Zerk*  
*Donald R. Bell*  
*Ed. R. Lusk*  
Commissioners

Dated at Denver, Colorado,  
this 21st day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
COLORADO FOREST PRODUCTS INC. )  
P.O. Box 623 )  
Dolores, Colorado 81323 )

AUTHORITY NO. M 1940  
CASE NO. 3914-M-Ins.

-----  
January 22, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1969 , 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 E. Zalkow  
Howard R. Byler  
Ed R. Lundberg  
Commissioners

Dated at Denver, Colorado, this  
22nd day of January, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
F. D. Holland )  
910 Elizabeth )  
Scott City, Kansas 67871 )

AUTHORITY NO. 5520-I  
CASE NO. 1328-H-Ins

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January 23, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 24, 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 S. Zalusky*  
*Donald B. Bellard*  
*Ed. J. Lusk*  
Commissioners

Dated at Denver, Colorado, this  
23rd day of January, 1969 .



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
WALTER RUMNEY AND CELESTE W. RUMNEY, )  
ROUTE 4, GREELEY, COLORADO, UNDER )  
PERMIT NO. B-729 AND PERMIT NO. )  
B-729-I. )

CASE NO. 5341

-----  
January 27, 1969  
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Appearances on Rehearing: Herbert M. Boyle, Esq., Denver, Colorado,  
for Respondent;  
John J. Conway, Esq., Denver, Colorado,  
for Contract Carriers' Conference of  
the Colorado Motor Carriers' Association;  
amicus curiae;  
Robert L. Pyle, Esq., Denver, Colorado,  
for the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

By way of background, the current records of the Commission disclose that Walter Rumney and Celeste W. Rumney are the owners of record of Private Carrier Permit No. B-729 and Permit No. B-729-I, which authorize the conduct of operations as a Private Carrier by Motor Vehicle for Hire for the following:

"Transportation of freight from point to point within the State of Colorado in both intrastate and interstate commerce. All interstate authority is subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

The above authority, as set forth, was formerly owned and held in joint tenancy, and not as tenants in common, by Walter Rumney and Celeste W. Rumney; however, it is noted that said Walter Rumney is now deceased and that the sole owner of the aforesaid authority -- by virtue of operation of law -- is now his widow, Celeste W. Rumney, (hereafter referred to as Respondent) although appropriate Commission proceedings have not to date been instituted to reflect such change of ownership.

On February 27, 1967, in Decision No. 69092, the Commission entered an "Order to Show Cause and Notice of Hearing" concerning the motor vehicle operations under Permit No. B-729 and Permit No. B-729-I.

With regard to above, on March 27, 1967, the Contract Carriers' Conference of the Colorado Motor Carriers' Association, by and through its attorney, John J. Conway, filed a Petition to Intervene in conjunction therewith which was ultimately denied by the Commission on March 28, 1967, by Decision No. 69261. Subsequently, on April 5, 1967, the aforesaid Association filed a Petition for Rehearing or Reconsideration of said Decision No. 69261 which the Commission denied by Decision No. 69333. At the hearing, however, John J. Conway, Attorney, was allowed to appear on behalf of the Contract Carriers' Conference in the position of amicus curiae.

After due and proper notice to all interested persons, firms or corporations, the original hearing, with regard to the herein matter, was heard by Chairman Henry E. Zarlengo, on April 6, 1967, at the Hearing Room of the Commission, 532 State Services Building, Denver, Colorado. Upon conclusion of the case in chief by the Staff of the Commission, on that date, a continuance, until May 4, 1967, was granted to the Respondent in order to present her case in chief and, on that date, said presentation was made.

On September 12, 1967, after hearings duly held, on the days as above set forth, the full Commission unanimously entered Decision No. 70070 revoking and cancelling Respondent's Permit No. B-729 and Permit No. B-729-I. The Respondent, by her then and former counsel, John R. Barry, timely filed her Petition for Rehearing on September 29, 1967, and by Decision No. 70207, dated October 6, 1967, the aforesaid Petition for Rehearing was granted by the Commission and the matter was duly set for rehearing by the Commission on November 22, 1967. Subsequently, the Commission vacated that date and reset the date of rehearing to February 5, 1968, at which time the herein matter was reheard by Chairman Henry E. Zarlengo.

By the Order to Show Cause, the Respondent was ordered to show cause why the Commission should not take such action and enter such order 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-729 and Permit No. B-729-I for violations of the Public Utilities Law and the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle for Hire in the following respects:

1. By appointing and using persons throughout the State of Colorado to develop business for them not in an authorized manner.
2. By permitting or allowing persons not authorized to do so to engage in transportation through means of emergency letters and leases issued to them.
3. By permitting or allowing unauthorized persons to share the proceeds of the aforesaid transportation upon a percentage basis.
4. By engaging in operations and practices contrary to Rule 14 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle.
5. By disrupting through said operations the transportation balance previously established in certain areas throughout the State.

Rule No. 7 of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle (Decision No. 54133, Case No. 5177) provides that a permit may be revoked, suspended, altered, or amended by the Commission upon at least ten (10) days' notice to the private carrier by motor vehicle and an opportunity to be heard, for any of the following reasons:

- A. Violation of or a failure to comply with any statutory enactments concerning private carriers by motor vehicle.
- B. Violation of or failure to comply with the terms and conditions of his or its permit.
- C. Exceeding the authority granted in his or its permit.
- D. Violation of or failure to observe and comply with any lawful order, rule or regulation of the Commission.

See also CRS '63, as amended, 115-11-12 and 115-11-18.

All of the evidence presented at the hearings, as above indicated, clearly established the existence of a number of reasons for the revocation

and cancellation of the permits as herein involved.

In the original hearing, the Staff of the Commission presented nine exhibits and five witnesses. On rehearing, the Staff submitted four exhibits and three witnesses and the Respondent submitted six witnesses and some forty exhibits.

All of the respective parties on rehearing offered a stipulation to the presiding Commissioner including an agreement that the entire record of the original hearing -- including all testimony and exhibits presented thereat -- be placed into the rehearing record and fully admitted into evidence as though reiterated in full in the record of the rehearing. After all parties had agreed and stipulated to the aforesaid, the presiding Commissioner accepted the same. We affirm the ruling of the presiding Commissioner and we hereby make the record of the original hearing a part of the record of the rehearing proceeding and accordingly we have considered both records as a whole.

Based upon the above and foregoing, we find that all the evidence established on rehearing was in substance a repetition of the evidence in the original hearing; however, some additional evidence was adduced concerning the sale of the involved permits to Jorgensen.

The evidence submitted in the original hearing which was re-submitted in toto during the rehearing, was more than sufficient to support the finding of the Commission that the allegations of the Staff were fully supported by the record. Further, that it is clear that the Commission has the authority to revoke and cancel the subject permits based upon findings of the violations as alleged by the Staff of the Commission. The evidence adduced on rehearing clearly showed that even during the interlude after the original decision of the Commission, the circumstances had not changed and, therefore, we find that the evidence at the rehearing further supports the original decision and order of the Commission.

It would serve no useful purpose to re-explain the matters contained in the Statement in Decision No. 70070, and since the record

as made, which resulted in the aforesaid decision, is also contained herein, we hereby adopt the Statement contained therein and hereby make that Statement a part hereof as though fully set forth herein.

## 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 is of the opinion and finds:

1. That all motions granted or denied by the presiding Commissioner be, and hereby are, affirmed.

2. That the motion to dismiss the instant proceeding, as made on rehearing, be, and hereby is, denied.

3. That Respondent, Celeste W. Rumney, upon the death of her husband, Walter Rumney, became and is now the sole owner and operator of Permit No. B-729 and Permit No. B-729-I.

4. That Respondent, Celeste W. Rumney, has permitted the authority as authorized under Permit No. B-729 and Permit No. B-729-I to be operated, managed and used in a manner by others contrary to law and the Rules and Regulations of the Commission Governing Private Carriers by Motor Vehicle and that said permits should be revoked and canceled therefor.

5. That Respondent, Celeste W. Rumney, has, in fact, relinquished all control and authority with regard to the operations of Permit No. B-729 and Permit No. B-729-I, and that said permits should be revoked and canceled therefor.

6. That Respondent, Celeste W. Rumney, in attempting to disguise and hide the unauthorized and illegal operations, as conducted under Permit No. B-729 and Permit No. B-729-I, entered into illusory leasing and agency contracts with Vernon H. Jorgensen and the Gunnison Transportation Company, and that said permits should be revoked and canceled therefor.

7. That the actual operations of Permit No. B-729 and Permit No. B-729-I by the Gunnison Transportation Company, Sidney W. Whitmore and Vernon H. Jorgensen were not in accordance with the terms and conditions of

the Leasing Agreement as entered into by them with Respondent, Celeste W. Rumney, and that said permits should be revoked and canceled therefor.

8. That Respondent, Celeste W. Rumney, has allowed persons, particularly in the Gunnison and Denver areas, to engage in transportation services through the means of emergency letters where, in fact, no emergency or unusual demands for transportation existed, all contrary to Rule 13 of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle, and that said permits should be revoked and canceled therefor.

9. That Respondent, Celeste W. Rumney, as Lessee, entered into a certain lease arrangement with Lenard H. Kahre, as Lessor, wherein certain equipment was leased and paid for on a percentage-of-the-revenue basis contrary to the terms of the actual lease as entered into and contrary to Rule 12(b) of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle, and that said permits should be revoked and canceled therefor.

10. That Respondent, Celeste W. Rumney has engaged in operations and practices in the Gunnison and Denver areas, all contrary to Rule 14 of the Commission Rules and Regulations Governing Private Carriers by Motor Vehicle, by allowing unauthorized persons to operate and render transportation services under Permit No. B-729 and Permit No. B-729-I, without first having obtained consent of the Commission, and that said permits should be revoked and canceled therefor.

11. That it is in the public interest to revoke and cancel Permit No. B-729 and Permit No. B-729-I, as set forth in the Order following.

#### ORDER

##### THE COMMISSION ORDERS:

1. That Permit No. B-729 and Permit No. B-729-I be, and hereby are, revoked and canceled.

2. That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Harold Bolton

Ed Z. Lundberg  
Commissioner

CHAIRMAN HENRY E. ZARLENGO DISSENTING.

Dated at Denver, Colorado,  
this 27th day of January, 1969.  
1s

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

There appear in the record copies of pleadings and Orders signed by the District Judge in Civil Action No. 18386 in the District Court of Weld County, wherein V. H. Jorgensen is Plaintiff and Celeste W. Rumney, the Respondent herein, is Defendant. Said instruments, Orders, etc., clearly indicate that there was a bona fide agreement for sale of the subject Permits at a very substantial figure, some \$25,000.00, between the parties, and that Jorgensen, the purchaser, did pay in full for the Permits; that the Judgment of the Court dated February 1, 1968, provided, among other things, that the Defendant apply to the Public Utilities Commission, which was done on February 7, 1968, to have said Permits transferred to said Jorgensen, to cooperate in every manner to preserve the said Permits in good standing, and to allow Jorgensen to act as her sole and exclusive manager in carrying on the trucking operations thereunder, etc.

The majority decision ignores the fact that the Show Cause Order was entered against Rumney as Respondent and not against Jorgensen; that Rumney is the real party in this proceeding; that the violations found are the violations of Rumney, the Respondent, not of Jorgensen; that punishment of Rumney is by way of collateral action; that by said Court Judgment constructive and equitable title to the Permits is Jorgensen's; that actually the question of cancellation of the Permits is in equity a moot question; that the Order of cancellation does not punish the party found to be guilty, but actually punishes Jorgensen not a party to the show cause proceeding; that even as to the guilt and violations of Rumney, the Respondent, serious and substantial extenuating circumstances are present -- in particular, insofar as the record remains unclear as to the knowledge and intent of the Respondent in committing the violations; that the actions of the Respondent were largely based on the legal advice of her attorney; that cancellation of authorities of such substantial value



is a draconian punishment wholly unwarranted insofar as it affects Jorgensen.

In my judgment the authorities should not be revoked, but a substantial penalty in the approximate amount of \$1250.00 should be imposed against the Respondent, Rumney, and the authorities allowed to remain in full force and effect.

  
Chairman

Dated at Denver, Colorado,  
this 27th day of January, 1969.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CHESTER BAY, ROUTE 3, BOX 51, )  
LA JUNTA, COLORADO. )

PERMIT NO. B-5048, PERMIT NO. B-5048-I  
PERMIT NO. M-4058

-----  
January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a communication from the above-styled permit-holder, requesting authority to do business under the trade name and style of Chester Bay, doing business as "Chester Bay Trucking," in lieu of Chester Bay in the conduct of operations under Permit No. B-5048, Permit No. B-5048-I, and Permit No. M-4058.

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.

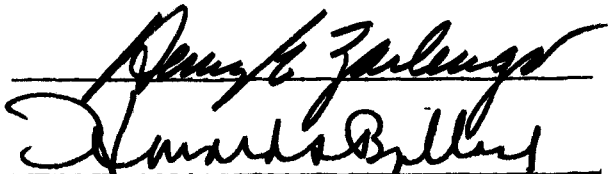
O R D E R

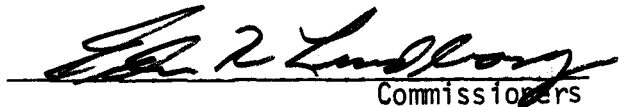
THE COMMISSION ORDERS:

That Chester Bay be, and hereby is, authorized to conduct operations under the trade name and style of Chester Bay, doing business as "Chester Bay Trucking," in the conduct of operations under Permit No. B-5048, Permit No. B-5048-I, and Permit No. M-4058, 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

  
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Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
BURNETT CONSTRUCTION COMPANY, A )  
COLORADO CORPORATION, EAST END 6TH )  
STREET, P. O. BOX 1712, DURANGO, )  
COLORADO. )

PUC NO. 466, PUC NO. 466-I

-----  
January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission is in receipt of a certified copy of Articles of Amendment to the Articles of Incorporation of Burnett Construction Company changing its corporate name to G and P Construction Co. in the conduct of operations under PUC No. 466 and PUC No. 466-I.

The Commission states and finds that the records of the Commission should be changed to reflect said change of corporate name, as set forth in the Order following.

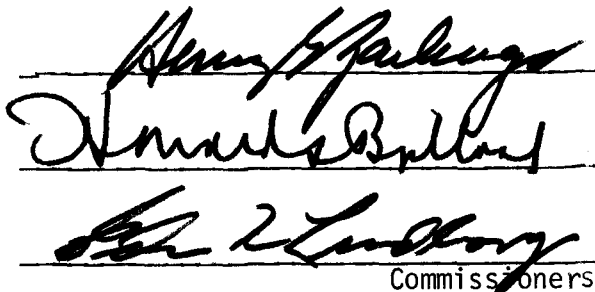
O R D E R

THE COMMISSION ORDERS:

That Burnett Construction Company, a Colorado Corporation, be, and hereby is, authorized to change its corporate name to G and P Construction Co., a Colorado corporation, in the conduct of operations under PUC No. 466 and PUC No. 466-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 28th day of January, 1969.

(Decision No. 72462)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JACK THOMPSON, BOX 441, ROMEO, )  
COLORADO, FOR A CLASS "B" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY )  
MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 23325-PP  
SECOND SUPPLEMENTAL ORDER

-----  
January 28, 1969  
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Appearances: Jack Thompson, Romeo,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 23, 1968, the Commission entered Decision No. 72340 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 71989, dated October 9, 1968, for failure of said Applicant to comply with requirements set forth in said Decision No. 71989.

It now appears that Applicant has complied with all requirements of Decision No. 71989, and requests reinstatement of operating rights granted thereby.

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.

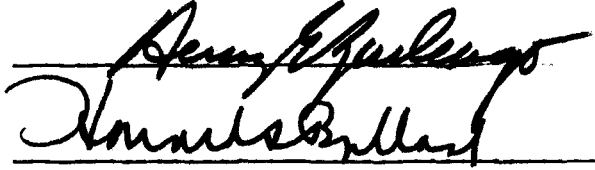
O R D E R

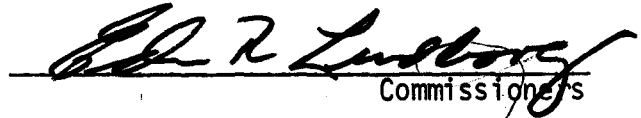
THE COMMISSION ORDERS:

That Decision No. 72340, dated December 23, 1968, be, and the same hereby is, vacated, set aside, and held for naught as of said 23rd day of December 1968, and operating rights heretofore granted to the above-styled

Applicant by Decision No. 71989, dated October 9, 1968, be, and the same hereby are, restored to active status as of said date.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
gf

(Decision No. 72463)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE MURPHY, P. O. BOX 86, WIGGINS, )  
COLORADO, FOR AUTHORITY TO CLARIFY )  
AND EXTEND CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY PUC NO. )  
1847 AND PUC NO. 1847-I. )

APPLICATION NO. 23392-Clarification  
and/or Extension

-----  
January 28, 1969  
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Appearances: Truman A. Stockton, Jr., Esq.,  
Denver, Colorado, for Applicant;  
John P. Thompson, Esq., Denver,  
Colorado, for A. S. Lorenzini,  
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 5, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1847 and PUC No. 1847-I 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 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 A. S. Lorenzini.

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.

It should be noted that Don Ward, Inc., holder of Certificate of Authority PUC No. 2177, through its attorney, J. Albert Sebald, filed a Protest to this application; however, no one appeared at the time and place of hearing, either in person or through counsel, and upon Motion by Applicant, said Protest was struck."

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

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

1. Applicant, George Murphy, is an individual who presently holds Certificate of Authority PUC No. 1847 and PUC No. 1847-I, to which extension is hereby sought.
2. Certificate of Authority PUC No. 1847 and PUC No. 1847-I presently provides as follows:

"transportation of farm products, including livestock but excluding dairy products, between points within the area extending six miles south, ten miles east, six miles west, and fifteen miles north of Hoyt, Colorado; farm products, including livestock, but excluding dairy products, from points in said area, to markets in Wiggins, Fort Morgan, Brush, Greeley, and the City and County of Denver, with back-haul of livestock, fence posts, poles, brick, cement, plaster, cinder blocks, slabs, and similar building materials, to points in the above-described area: coal and stock feeds, from supply points in the City and County of Denver and the Counties of Boulder, Weld, and Morgan, on the one hand, to points in the above-described Hoyt area, on the other; without the right to haul commodities ordinarily handled by line-haul motor vehicle common carriers between points served by such carriers on schedule; livestock, farm products (other than dairy products), farm equipment and supplies, posts, poles, brick, cement, plaster, blocks, slabs, and similar building materials, stock feeds and coal, between points within an area extending six miles south, seventeen miles north, ten miles east and six miles west of Hoyt, Colorado, and between points in said area, on the one hand, and, on the other, points within a radius of one hundred and fifty miles of Hoyt, Colorado; beet samples, between points in Morgan County and that portion of Washington County lying west of a line running north and south of Akron, including Akron, and north of a line running east and west of Rago, including Rago; freight, between all points in Colorado and the Colorado State Boundary Lines, where all highways cross same, in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

3. By this application, Applicant seeks to extend the north edge of the territory from its present boundary of Interstate Highway 80S to the south bank of the South Platte River, a distance of about five miles, and to extend the west edge of the territory from its present boundary of an imaginary line six miles west of Hoyt, Colorado, to Colorado Highway 79, a distance of about ten miles. The eastern and southern boundaries are to remain the same and the commodity description is to remain the same.

4. Specifically by his application, Applicant seeks clarification and extension of his Certificate of Authority PUC No. 1847 and PUC No. 1847-I so that the authority, when reissued, shall read as follows:

"Transportation of livestock, farm products (other than dairy products), farm equipment and supplies, posts, poles, brick, cement, plaster, blocks, slabs and similar building materials, stock feeds, coal and beet samples, (a) between points within an area starting at a point on the south bank of the South Platte River 5 miles northwest of Fort Morgan, Colorado, then going directly south to a point six miles north of the Adams-Arapahoe County line, thence directly west to Colorado Highway No. 79, thence north to the south bank of the South Platte River, thence along the south bank of the South Platte River to the point of beginning, and (b) between said points in (a) on the one hand, and, on the other, points within a radius of 150 miles of Hoyt, Colorado."

5. The application was protested by A. S. Lorenzini, who holds Certificate of Authority PUC No. 1129, which provides as follows:

"transportation of farm supplies, farm products, (including livestock) and equipment, including used household goods when moved in connection with farmers' effects, into, out of, and between points within a territory extending north of Weldona to the north Morgan County line, east of Weldona a distance of five miles, south thereof a distance of fifteen miles, and west of Weldona a distance of fifteen miles,

(without the right to transport farm supplies, specifically including machinery and repair parts and household goods from Denver to points within a radius of ten miles of Weldona) in conflict with the rights acquired by the Northeastern Motor Freight Company, from H. B. Miner,

and provided further that applicant will not conduct transportation service of a competitive character between towns on the line of scheduled common carriers now serving the Weldona Area.

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."



6. Certificate of Authority PUC No. 1129, does, in fact, overlap certain portions of the present authority of Applicant as well as portions of that area affected by and included in the application for extension.
7. Protestant, A. S. Lorenzini, operates Certificate of Authority PUC No. 1129 as a part-time business and, in fact, does not furnish adequate service so as to meet the particular transportation requirements sought in this application.
8. Applicant has duly and properly applied for the extension sought herein.
9. The extension applied for herein is compatible with and does not conflict or duplicate the authority already held by Applicant.
10. The present area description is vague, uncertain and, in fact, does not describe an area at all.
11. By extending the boundaries on the north and the west of the territory of the Certificate as applied for, this would give the area natural boundaries, which greatly enhance the description of the area of the authority and would be in the public interest.
12. By describing the entire authority as generally applied for and set forth in the Conclusions, this would clarify the area description of the authority and would make it definite and certain.
13. Applicant has sufficient 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, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
15. There is a present or special need for the service and the granting of the authority as hereinafter set forth will be in the public interest.
16. The present or future public convenience and necessity requires or will require the proposed authority as hereinafter set forth.
17. The authority as hereinafter set forth should be granted.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing that Applicant be and hereby is authorized to extend operations under PUC No. 1847 and PUC No. 1847-I so as to:

"extend the north edge of the territory from its present boundary of Interstate Highway 80S to the south bank of the South Platte River, a distance of about five (5) miles, and to extend the west edge of the territory from its present boundary of an imaginary line six (6) miles west of Hoyt, Colorado, to Colorado Highway 79, a distance of about ten (10) miles."

That henceforth the full and complete authority under PUC No. 1847 and PUC No. 1847-I, as extended, shall read and be as follows, to-wit:

"Transportation -- on call and demand -- of

- (1) Farm products (including livestock), farm equipment and supplies, posts, poles, brick, cement, plaster, blocks, slabs and similar building materials, livestock feeds, coal, and beet samples

Between all points within the following described area

Commencing at a point on the south bank of the South Platte River five (5) miles northwest of Fort Morgan, Colorado; thence due south to a point six (6) miles north of the Adams-Arapahoe County Line; thence due west to Colorado Highway No. 79; thence north along Colorado Highway No. 79 as extended to the south bank of the South Platte River; thence east along the south bank of the South Platte River to the point of beginning; and to and from said points, from and to points within a one-hundred-fifty (150) mile radius of Hoyt, Colorado.

RESTRICTION:

- (a) Restricted against the transportation of bulk milk and dairy products.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That George Murphy, Wiggins, Colorado, be and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 1847 and PUC No. 1847-I to include the following:

To extend the north edge of the territory from its present boundary of Interstate Highway 80S to the south bank of the South Platte River, a distance of about five (5) miles, and to extend the west edge of the territory from its present boundary of an imaginary line six (6) miles west of Hoyt, Colorado, to Colorado Highway 79, a distance of about ten (10) miles.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1847 and PUC No. 1847-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

Farm products (including livestock), farm equipment and supplies, posts, poles, brick, cement, plaster blocks, slabs and similar building materials, livestock feeds, coal, and beet samples

Between all points within the following described area:

Commencing at a point on the south bank of the South Platte River five (5) miles northwest of Fort Morgan, Colorado; thence due south to a point six (6) miles north of the Adams-Arapahoe County Line; thence due west to Colorado Highway No. 79; thence north along Colorado Highway No. 79 as extended to the south bank of the South Platte River; thence east along the south bank of the South Platte River to the point of beginning; and to and from said points, from and to points within a one-hundred-fifty (150) mile radius of Hoyt, Colorado.

RESTRICTION:

This certificate is restricted against the transportation of bulk milk and dairy products.

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

That Applicant shall operate 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE JOBE AND GLADYS JOBE, DOING )  
BUSINESS AS "G & G JOBE," 1251 NORTH )  
REYNOLDS, CANON CITY, COLORADO, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 23504-PP

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January 28, 1969  
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Appearances: George Jobe, Canon City,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 26, 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

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

1. Applicants are a partnership doing business as "G & G Jobe".
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) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of seventy-five (75) miles of said forests;

(2) Rough lumber

From sawmills in said seventy-five (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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That George Jobe and Gladys Jobe, doing business as "G & G Jobe," Canon City, 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) Logs, poles and timber products

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

(2) Rough lumber

From sawmills in said seventy-five (75) mile radius to markets in the State of Colorado.

#### RESTRICTION:

This Permit is restricted against the rendering of any 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.

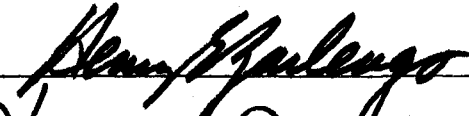
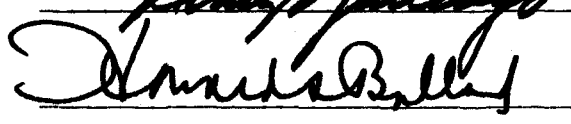

That this Order is the permit herein provided for, but it shall not become effective until applicants have filed a statement of their customers, the necessary tariffs, required insurance, and have secured authority sheets.

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

  
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Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EQUIPMENT AND TRUCK LEASING, INC., )  
6020 EAST GALLEY ROAD, COLORADO )  
SPRINGS, COLORADO, FOR AUTHORITY TO )  
TRANSFER PERMIT NO. B-7205 TO L. A. )  
McELHINNY AND M. JEAN McELHINNY, )  
DOING BUSINESS AS "McELHINNY SAND & )  
GRAVEL CO.," 23 NORTH CIRCLE DRIVE )  
W 36, COLORADO SPRINGS, COLORADO. )  
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APPLICATION NO. 23469-PP-Transfer

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January 28, 1969  
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Appearances: L. A. McElhinny, Colorado  
Springs, Colorado, for Appli-  
cants, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 30, 1968, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-7205.

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

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

1. Transferor is a Colorado corporation duly existing and organized under the laws of the State of Colorado.
2. Transferor herein is the present owner and operator of Permit No. B-7205, 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. The sole purpose of this transfer proceeding is to change ownership from a corporation to individuals, as indicated, and there will actually be no change in management.
5. Transferees herein hold no previously granted authority from this Commission.
6. The Permit is 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 authority sought herein.
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 the safety requirements of the Commission and 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 Transferor to transfer all of its right, title and interest in and to Permit No. B-7205 to L. A. McElhinny and M. Jean McElhinny, doing business as "McElhinny Sand & Gravel Co.", and that henceforth the full and complete authority under said Permit No. B-7205 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 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."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Equipment and Truck Leasing, Inc., Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-7205 to L. A. McElhinny and M. Jean McElhinny, doing business as "McElhinny Sand and Gravel Co.," Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-7205 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 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.

That said transfer shall become effective only if and when, but not before, said transferor and transferees, in writing, have advised the Commission that said 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 transferees to operate under this Order shall depend upon their 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

  
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\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

THREE FOUNTAINS, a Joint Venture Between  
TRANSAMERICA DEVELOPMENT COMPANY, a  
California corporation and 324 CORPORATION,  
a Colorado corporation  
3280 SOUTH ONEIDA WAY,  
DENVER, COLORADO,

Complainants,

CASE NO. 5386

vs.

THE PUBLIC SERVICE COMPANY OF COLORADO,  
550 FIFTEENTH STREET,  
DENVER, COLORADO,

Respondent.

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 3, 1968, formal Complaint was filed in the above-entitled case.

On December 4, 1968, an Order to Satisfy or Answer was issued by the Commission, directed to the Respondent.

On December 26, 1968, "Motion to Dismiss Complaint," was filed with the Commission by the Respondent herein, by its Attorneys Lee, Bryans, Kelly and Stansfield, and caused copies of said Motion to be served by mail upon all parties of record in this proceeding.

The Commission states and finds that said Motion should be set for oral argument as set forth in the Order following.


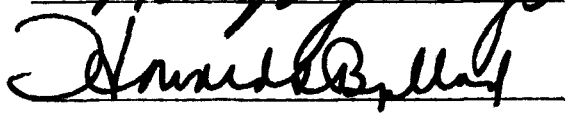

ORDER

THE COMMISSION ORDERS:

That Motion to Dismiss Complaint filed with the Commission on:

December 26, 1968, by the Respondent, be, and the same hereby is, set for oral argument before the Commission at 10:00 A.M., on March 10, 1969, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of December, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN W. SEKULICH, DOING BUSINESS AS )  
"J & F EXPRESS," 6095 WEST 40TH )  
AVENUE, WHEATRIDGE, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 23494-PP

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January 28, 1969  
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Appearances: John W. Sekulich, Wheatridge, Colorado,  
pro se;  
Joseph F. Nigro, Esq., Denver, Colorado,  
for Hoffman Transfer, Thomas & Son  
Transfer, Colorado Cartage Company,  
Inc. and Edson Express, Inc., Protestants;  
William Andrew Wilson, Esq., Denver, Colo-  
rado, for Arvada Rubbish Removal Co.;  
Englewood-Littleton-Arapahoe Rubbish  
Removal, Inc.; Mtn. View Rubbish Removal  
Co.; Wheatridge Disposal Service; Decker  
Trash Disposal Corp. No. 2; Best-Way  
Disposal; Metropolitan Trash, Inc.;  
B & W Disposal Serv.; Aurora Ash &  
Trash Co.; Aurora F & S Sanitary Carriers;  
Robert A. Grove; Broomfield Rubbish  
Removal; "Van"ish Rubbish Removal;  
Decker Disposal, Inc.; A & F Trash  
Disposal; Alex Gerlach; D. R. Hart;  
Town & Country Disposal; Lakewood Disposal  
Co.; Ray's Suburban Disposal, Inc.; Commerce  
Refuse Disposal, Inc.; Brite'N Best Rubbish  
Service; Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 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 and those ash and trash Protestants represented by William Andrew Wilson entered into a Stipulation to the effect that, in the event authority be granted to Applicant, it shall contain a restriction against the hauling of ashes, trash, refuse and other waste material, whereupon, said Protestants withdrew. The application, however, continued to be protested by Hoffman Transfer; Thomas & Son Transfer; Colorado Cartage Company, Inc. and Edson Express, 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

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

1. Applicant is an individual who presently holds no authority from this Commission.
2. By this application, Applicant seeks authority for the "transportation of general commodities from the Firestone Warehouse at 4300 Brighton Boulevard, Denver, Colorado, to all Firestone Retail outlets located within Denver, Jefferson, Adams and Arapahoe Counties". By this application, said authority is to be restricted "to serving one customer only, viz., the Firestone Tire and Rubber Company".
3. The Firestone Tire and Rubber Company warehouses and delivers tires and other commodities to all American Oil Company stations in the area referred to in the application together with its regular Firestone Stores so there is considerable transportation of goods involved in this application.

4. Applicant has no experience in the transportation business and, in fact, has operated a tavern in the Denver area for the past eighteen years. He has no equipment. He furnished no financial statement. He has no knowledge of the rules and regulations of the Commission. He has made no study or investigation of what might be involved in operating this authority and, therefore, does not know what requirements might have to be met or even where outlet stores are located.
5. The Applicant is wholly and entirely unprepared to hold authority from this Commission or to operate the authority applied for.
6. Protestants are presently fit, willing and able to furnish the services that would be included in this application and the granting of this application to Applicant would impair the efficient public service of authorized common carriers adequately serving the same territory over the same general route or routes.
7. The application should be denied.

#### EXAMINER CONCLUSIONS

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

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 of the Examiner, as hereinabove set forth, and --in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.


#### O R D E R

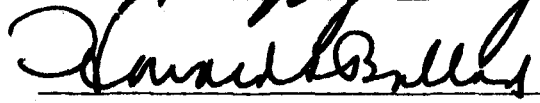
##### THE COMMISSION ORDERS:

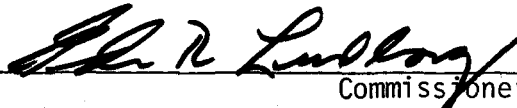
That Application No. 23494-PP, be, and the same hereby is, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE ROCKY MOUNTAIN NATURAL GAS COMPANY, )  
INC., A CORPORATION ORGANIZED AND )  
EXISTING UNDER THE LAWS OF THE STATE )  
OF COLORADO, FOR AUTHORITY TO ISSUE AND )  
SELL SECURITIES. )

APPLICATION No. 23363-Securities  
SUPPLEMENTAL ORDER

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January 27, 1969  
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Appearances: Grant E. McGee, Esq.,  
Wynn M. Bennett, Jr., Esq.,  
Denver, Colorado, for  
Applicant;  
Christian O. Igenbergs, 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:

Applicant, Rocky Mountain Natural Gas Company, Inc., through its legal counsel set forth above, declares that at the time of issue of the foregoing Decision and Order No. 71883, September 16, 1968, negotiations for a loan in the amount of \$1,500,000 from an institutional investor had not been finalized and that it was anticipated any such loan would be evidenced by Sinking Fund Debentures; that now upon finalization of said loan with the lender, Equitable Life Assurance Society of the United States, the lender requires that the loan be evidenced by the issuance of a promissory note or notes delivered by the Applicant to the lender, in the principal amount of \$1,500,000 due 1970-1988 with interest at 7 5/8%; that Applicant by its supplementary application, dated January 24, 1969, seeks Commission authorization to issue a promissory note or notes instead of the Sinking Fund Debentures previously authorized by Decision and Order No. 71883; and that Applicant believes and so states that the execution of the note or notes rather than the issuance of Sinking Fund Debentures, is in the

best interest of the Applicant and will result in financial savings to the Applicant.

F I N D I N G S

THE COMMISSION FINDS:

That the Commission retained jurisdiction of these proceedings by its Order dated September 16, 1968 contained in Decision No. 71883 and presently has jurisdiction over Applicant's petition for an amendment to said Order.

That the substitution of promissory notes as described in the Statement above for Sinking Fund Debentures previously authorized by Decision No. 71883 does not materially affect the substance of said Decision No. 71883.

That Decision and Order No. 71883 should be amended authorizing issuance of promissory note or notes in the same amount of \$1,500,000 due 1970-1988 with interest at the rate of 7 5/8% instead of Sinking Fund Debentures previously authorized by Decision and Order No. 71883.

O R D E R

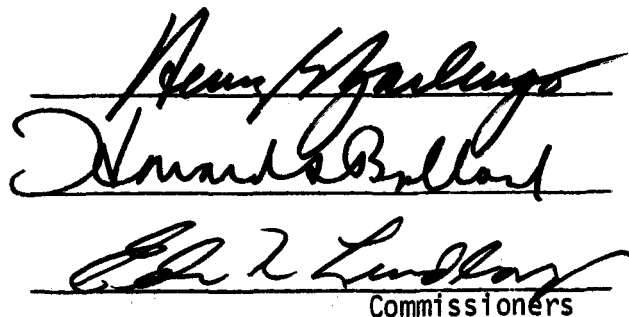
THE COMMISSION ORDERS:

That Decision and Order No. 71883 be, and the same is hereby amended authorizing the issuance of promissory note or notes in the same amount of \$1,500,000, due 1970-1988, with interest at the rate of 7 5/8%, instead of Sinking Fund Debentures previously authorized by Decision and Order No. 71883.

That in all other respects the Decision and Order No. 71883, dated September 16, 1968 shall remain in full force and effect the same as if made with reference to the promissory notes described herein.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 27th day of January, 1969.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RICHARD WINTERBERG DBA )  
WINTERBERG OIL COMPANY )  
701 Main St. )  
Limon, Colorado 80828 )

AUTHORITY NO. M 15169  
CASE NO. 3936-M-Ins.

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1969 , 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.

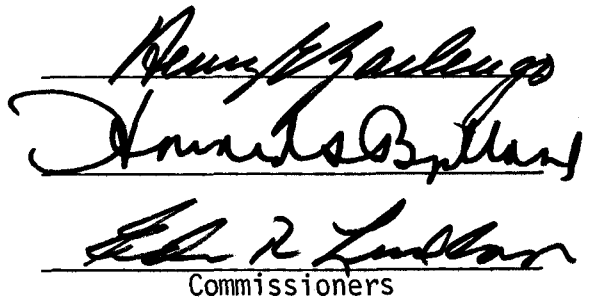
O R D E R

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  
28th day of January, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GEORGE ENGLE INSULATION COMPANY )  
1534 VRAIN STREET )  
DENVER, COLORADO 80204 )

PERMIT NO. M-1309

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 20, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Jackson*  
*Howard S. Byrd*  
*E. R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CHARLES L. BRITTON, ROBERT E. GROTHE, )  
AND ALBERT G. BRITTON, DOING BUSINESS )  
AS "B & G LIVESTOCK" )  
BOX 41 )  
NUNN, COLORADO 80648 )

PERMIT NO. M-2094

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 31, 1968.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Gallegos*  
*Harold B. Bell*  
*Ed. A. Ludwig*  
Commissioner

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
JAMES P. HOOVER  
BOX 41  
TELLURIDE, COLORADO 81435

PERMIT NO. M-3572

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January 28, 1969  
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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.


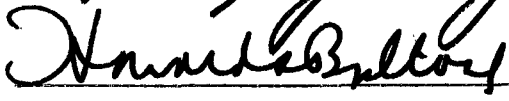

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 19, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioner

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
WILLARD FOREMAN  
ALTON, IOWA 51003

PERMIT NO. M-6274

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 27, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry C. Zuckerman*  
*Donald B. Blythe*  
*Ed R. Lullong*  
Commissioners

Dated at Denver, Colorado,  
this 28 day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
GILBERT DeVINE AND ROY DeVINE, DOING  
BUSINESS AS "DeVINE'S PLUMBING &  
HEATING COMPANY."  
520 RIVER STREET  
CANON CITY, COLORADO 81212

PERMIT NO. M-9783

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January 28, 1969  
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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.

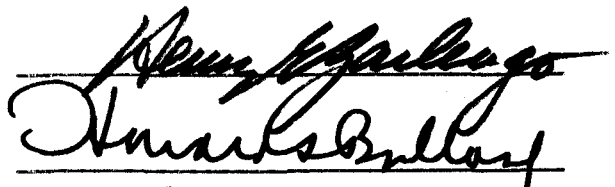

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective February 1, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RICHARD POSTEL, JR. & SR., DOING )  
BUSINESS AS "POSTEL AND SON" )  
1740 4TH AVENUE )  
MONTE VISTA, COLORADO 81144 )

PERMIT NO. M-15085

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 25, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin C. Farrell*  
*Donald Bullard*  
*Ed R. Lundberg*  
Commissioner

Dated at Denver, Colorado,  
this 28th day of January, 1969.  
Is

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
WILLIAM SCHOTT )  
ROUTE 1, BOX 136 )  
KERSEY, COLORADO 80644 )

PERMIT NO. B-7030

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 9, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Ziegler*  
*Norman Bullard*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
DENVER V. OLDS  
% RAYE H. ALLEN  
3295 SOUTH RALEIGH STREET  
DENVER, COLORADO 80236

PERMIT NO. B-5572

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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




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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 7, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
IRIS LATTA, DOING BUSINESS AS )  
"ROY LATTA LUMBER SALES" )  
2640 WEST PARK PLACE )  
OKLAHOMA CITY, OKLAHOMA 73107 )

PUC NO. 7000-I

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January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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


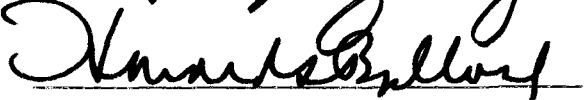

The Commission states and finds that to grant the herein request of cancellation will be in the public interest and should be granted as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective December 15, 1968.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
L. JAMES AVERETT & DONALD J. KELSEY  
DOING BUSINESS AS "AVERETT & SON  
TRUCKING CO.,"  
P. O. BOX 226  
COWLEY, WYOMING 82420

PERMIT NO. B-6130-I

-----  
January 28, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 3, 1969 to and including June 3, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin E. Fairley*  
*Donald S. Bell*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
EMERSON FINCH, ROBERT FINCH AND  
JOHN SWARM, DOING BUSINESS AS  
"F S F TRUCK LINE"  
BOX 132  
FOUNTAIN, COLORADO 80817

PUC NO. 2057-I

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January 28, 1969  
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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 December 30, 1968 to and including June 30, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin H. Zuley*  
*James B. Ballou*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 28th day of January, 1969.

(Decision No. 72481)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JAY O. GUY, DOING BUSINESS AS "JAY )  
O. GUY CONSTRUCTION," R. R. 1, BOX )  
35-D, COMMERCE CITY, COLORADO, FOR )  
AUTHORITY TO EXTEND OPERATIONS UNDER )  
PERMIT NO. B-7229. )

APPLICATION NO. 23528-PP-Extension

-----  
January 29, 1969  
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Appearances: Jay O. Guy, Commerce City,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 4, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-7229 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 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

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

1. Applicant is an individual doing business as "Jay O. Guy Construction."
2. Applicant presently holds authority from this Commission under Permit No. B-7229, which reads 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 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 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 50 miles of said jobs;

(4) Insulrock

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

RESTRICTION:

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

3. The authority to which extension is hereby sought, Permit No. B-7229, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicant seeks to extend the authority under Permit No. B-7229 to include the following:  
"Transportation of coal from the Lincoln Mine, Weld County, Colorado, to the Public Service Company Plant Sites, located in Denver, Colorado, and the Valmont Plant, located in Boulder, Colorado."
5. The extension applied for herein is compatible with and does not conflict with 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 provision 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.
10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-7229 to include:

"Transportation of coal from the Lincoln Mine, Weld County, Colorado, to the Public Service Company Plant Sites, located in Denver, Colorado, and the Valmont Plant, located in Boulder, Colorado."

That henceforth the full and complete authority under Permit No. B-7229 shall be 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:

Items numbered 1, 2, 3 and 4 are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Coal

From the Lincoln Mine located in Weld County, Colorado, to the Public Service Company Plant Sites, located within Denver, Colorado, and to the Public Service Company Valmont Plant, Boulder, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Jay O. Guy, doing business as "Jay O. Guy Construction," Commerce City, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-7229 to include the following:

Transportation of coal from the Lincoln Mine, located in Weld County, Colorado, to the plant sites of the Public Service Company of Colorado, located in Denver, Colorado and Boulder, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-7229 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 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 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 50 miles of said jobs;

- (4) Insulrock

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

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Coal

From the Lincoln Mine, located in Weld County, Colorado, to the plant sites of the Public Service Company of Colorado, located in Denver, Colorado and Boulder, Colorado.

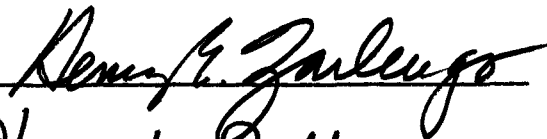

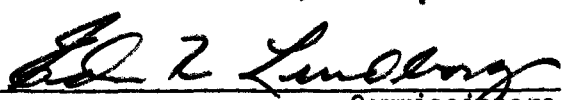
That all operations hereunder shall be stricted contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.

qf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD STANLEY STAFFORD, DOING )  
BUSINESS AS "NORTHERN TRASH DISPOSAL )  
COMPANY," ROUTE 2, BOX 115, LONGMONT, )  
COLORADO, FOR AUTHORITY TO LEASE PUC )  
NO. 6815 TO LAMB CONSTRUCTION, INC., )  
229 PARK, LYONS, COLORADO. )

APPLICATION NO. 23459-Lease

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January 29, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 18, 1968, the above-entitled application was filed requesting authority to lease Certificate of Public Convenience and Necessity PUC No. 6815.

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.

The file reflects the fact that M. G. Burgess and Son, through its attorney, Frank E. Starkey, filed a Protest. However, said Protestant did not appear at the time of the hearing. Counsel for Applicant advised that a certain Agreement had been reached between the parties and the matter was, therefore, not protested."

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

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

1. Lessor corporation herein is the present owner and operator of Certificate of Authority PUC No. 6815, which is the subject of this proceeding.
2. By this application, the parties seek to lease Certificate of Authority PUC No. 6815 from Richard Stanley Stafford, doing business as "Northern Trash Disposal Company," to Lamb Construction, Inc.
3. The authority is presently in good standing with the Commission.
4. Lessee corporation also holds authority granted from this Commission under Certificate of Authority PUC No. 6980 and also has a "B" Permit pending before the Commission.
5. The parties have entered into a Lease Agreement and the Consideration, as set forth therein, is fair and reasonable.
6. The Certificate is free and clear of any debts, encumbrances or obligations.
7. Lessee corporation 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 the employees of the Lessee corporation 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 and have or will make adequate provision for insurance.
9. If this lease is approved, Lessee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
10. The lease 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 Lessor, Richard Stanley Stafford, doing business as "Northern Trash Disposal Company," to lease all of its right, title and interest in and to Certificate of Authority PUC No. 6815 to Lessee corporation, Lamb Construction, Inc.



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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

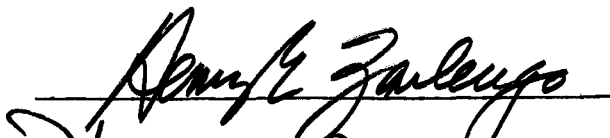
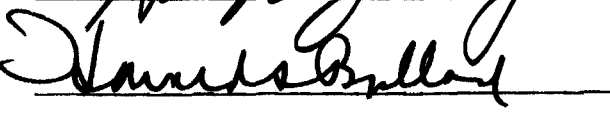
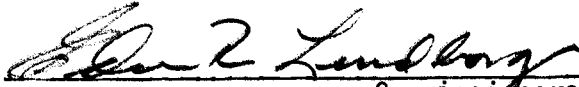
THE COMMISSION ORDERS:

That Richard Stanley Stafford, doing business as "Northern Trash Disposal Company," Longmont, Colorado, be, and hereby is, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6815 to Lamb Construction, Inc., Lyons, Colorado, pursuant to and in accordance with the Agreement entered into by and between the parties on September 28, 1968, and properly filed with the Commission, for a period of two (2) years from the effective date of this Order, unless otherwise terminated pursuant to the terms of said Lease or by Order of the Commission.

That the right of Lessees to operate under this Order shall depend upon compliance with all present and future laws and rules and regulations of the Commission, and the prior filing by Lessor of delinquent reports, if any, covering operations under said certificate up to the time of lease of said certificate.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.

gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CHARLES L. WILLIAMS AND FERNE WILLIAMS, )  
DOING BUSINESS AS "WILLIAMS TRANSFER )  
AND STORAGE CO.," 616 FORD, DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 1886 TO TRI-CITY TRANSFER & )  
STORAGE, INC., WEST RAILROAD AVENUE, )  
DURANGO, COLORADO. )

APPLICATION NO. 23472-Transfer

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January 29, 1969  
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Appearances: Marion F. Jones, Esq., Denver,  
Colorado, and  
Irvin L. Mason, Esq., Durango,  
Colorado, for Applicants;  
LaVerne McKelvey, Esq., Durango,  
Colorado, for Mesa Transfer,  
for a Copy of Order.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 30, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 1886.

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.

LaVerne McKelvey, Esq. entered his appearance for and on behalf of Mesa Transfer for purposes of a copy of the Order only and not as a Protestant to the proceeding."

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

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

1. Transferors are the present owners and operators of PUC No. 1886, 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 corporation holds no other authority from this Commission; however, James A. Harp, Jr. and his wife, Cleo J. Harp, who are officers and principal shareholders in Transferee corporation do hold Certificate of Authority PUC No. 4344 which is operated as a partnership, doing business as "Tri-City Transfer & Storage." It should be noted that Transferee corporation is named "Tri-City Transfer & Storage, Inc."
4. PUC No. 4344 and PUC No. 1886 do not duplicate to any material extent, the Certificates are held by separate entities, separate security interests are involved and, therefore, no consolidation or cancellation of the Certificates should be made in this proceeding.
5. The security holder, Ora Christensen, was present at the hearing and acquiesces to the transfer, the approval of said security interest should be continued.
6. The words "Sixth Judicial District of Colorado" have no significance in the description of the authority and should be deleted and to do so would not extend the authority even though the boundaries of the "Sixth Judicial District of Colorado" have been changed.
7. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
8. The Certificate is presently encumbered and the security holder of the existing lien is Ora Christensen.
9. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.

10. The chief corporate officers as well as the employees of the Transferee corporation 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 and have or will make adequate provision for insurance.
11. If this transfer is approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. 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 their right, title and interest in and to PUC No. 1886 to Tri-City Transfer & Storage, Inc., and that henceforth the full and complete authority under said PUC No. 1886 shall read as follows, to-wit:

"Transportation -- on call and demand -- of

(1) General Commodities

Between all points in that area composed of the Counties of Archuleta, La Plata, Dolores, Montezuma, and San Juan, State of Colorado.

RESTRICTIONS:

- (a) Restricted against serving between towns located on U.S. Highways Nos. 550 and 160, and Colorado Highway No. 172 served by Rio Grande Motorway, Inc.
  - (b) Restricted against serving point to point in San Juan County, Colorado.
  - (c) Restricted against transporting oil and gas well equipment and supplies, cement, gas and drilling mud within a radius of fifteen (15) miles of Ignacio, Colorado.
- (2) Household goods, used office equipment, store equipment and fixtures, trunks and baggage

Between all points within the Counties of Archuleta, La Plata, Dolores, Montezuma, and San Juan, and between said points, on the one hand, and all points in the State of Colorado, on the other hand."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Charles L. Williams and Ferne Williams, doing business as "Williams Transfer and Storage Co.," Durango, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1886 to Tri-City Transfer & Storage, Inc., Durango, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1886 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General Commodities

Between all points within the following Counties of the State of Colorado: Archuleta, La Plata, Dolores, Montezuma and San Juan.

RESTRICTION:

Item 1 of this Certificate is restricted as follows:

- (a) Restricted against serving between towns located on U.S. Highways Nos. 550 and 160, and Colorado Highway No. 172 served by Rio Grande Motorway, Inc.
- (b) Restricted against serving point to point in San Juan County, Colorado.
- (c) Restricted against the transportation of oil and gas well equipment and supplies, cement, gas, and drilling mud within a radius of fifteen (15) miles of Ignacio, Colorado.

- (2) Household goods, used office equipment, store equipment and fixtures, trunks and baggage

Between all points within the following Counties of the State of Colorado: Archuleta, La Plata, Dolores, Montezuma and San Juan, and between said points, on the one hand, and all points in the State of Colorado, on the other hand.


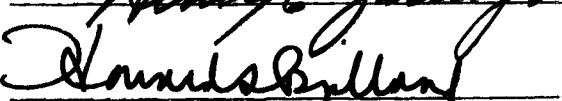
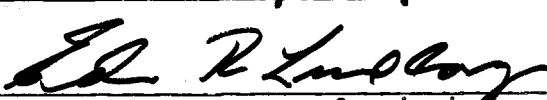
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

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 certificate up to the time of transfer of said certificate.

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 29th day of January, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LAMB CONSTRUCTION, INC., 229 PARK, )  
LYONS, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 23529-PP

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January 29, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicant;  
William T. Secor, Esq., Longmont,  
Colorado, for Golden Transfer  
Company of Longmont, Colorado,  
Protestant;  
St. Vrain Valley School District,  
as its interest may appear.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 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 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 Golden Transfer Company of Longmont, Colorado.

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 Protestant to dismiss the application taken under advisement pending presentation of evidence and now 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

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

1. Applicant is a Colorado corporation, duly authorized and existing under the laws of the State of Colorado, and presently holds Certificate of Authority PUC No. 6980, which is an ash and trash authority in the Town of Lyons, Colorado, and a five-mile radius thereof to approved and designated dumps and disposal sites in Boulder County.
2. In another application, being Application No. 23459, Applicant, Lamb Construction, Inc., seeks authority to lease Certificate of Authority PUC No. 6815, presently owned by Richard Stanley Stafford, doing business as "Northern Trash Disposal Company," which provides generally for the transportation of ashes, trash and other refuse in an area north and east of Lyons, Colorado, with certain exceptions.
3. The authority owned by Applicant as well as the authority proposed to be leased by him have no effect or bearing on this application.
4. By Decision No. 71787, dated August 28, 1968, the Commission denied an application by this same Applicant for a certificate of public convenience and necessity which would have enabled Applicant to provide a similar service in the same territory covered by this application. However, the reasons for denial of that application were not present in this hearing.
5. By this application, Applicant seeks authority by way of private carrier permit to transport ashes, trash and other refuse for the St. Vrain Valley School District RE-1J to designated and approved dumps and disposal sites located within Weld County, State of Colorado.
6. The St. Vrain Valley School District, RE-1J, encompasses areas in Boulder, Larimer and Weld Counties. Burning is presently banned in the Counties of Boulder and Larimer and it is expected to be banned in the County of Weld in the near future.
7. Said School District requires pickup service in seventeen (17) different locations and presently there is no one with authority to service all of their locations, except, perhaps, some unidentified party located in the Commerce City area who could not give them economical service.



8. The School District needs daily pickup service during the 180 school days and in obtaining such service, pursuant to state law, they let the work by means of bids.
9. Under the present situation, the only bidders cannot furnish complete service and the School District is, therefore, required to let more than one bid.
10. The granting of this application would assist the School District in disposing of its ashes, trash and other refuse and would be of economical benefit to said School District and, therefore, of economical benefit to the public.
11. The evidence clearly showed that the needs of the School District, which is the one customer sought to be served hereby, will be amply fulfilled by means of private carriage.
12. The application was protested by Golden Transfer Company of Longmont, Colorado, which holds Certificate of Authority PUC No. 510, under which Protestant could serve a portion of the area sought to be served by this application.
13. Protestant, Golden Transfer Company, provides adequate and sufficient service under its Certificate, as aforesaid. However, because of the nature of the service to be provided pursuant to this application and for the reasons above stated, the proposed operation, by this application, will not impair the efficient public service of Protestant contrary to the public interest.
14. Protestant cannot and does not provide a full service to the St. Vrain Valley School District RE-1J nor does it or can it meet all the needs of said School District.
15. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
16. 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.
17. 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.
18. 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

Ashes, trash and other refuse

From schools, offices, buildings and properties of the St. Vrain Valley School District, RE-1J, to designated and approved dumps and disposal sites located within Weld County, Colorado.

RESTRICTION:

This Permit is restricted to serving one customer only, viz., the St. Vrain Valley School District, RE-1J."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Lamb Construction, Inc., Lyons, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Ashes, trash and other refuse

From schools, offices, buildings and properties of the St. Vrain Valley School District, RE-1J, to designated and approved dumps and disposal sites located within Weld County, Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only the St. Vrain Valley School District, RE-1J.

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

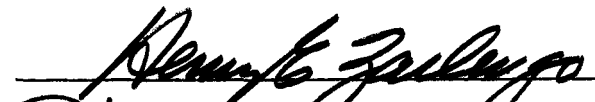
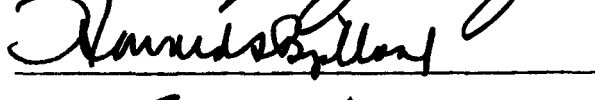

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.  
gf

(Decision No. 72485)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DEAN M. ODEN, BOX 26, HIDEAWAY PARK, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 7137 TO GRAND COUNTRY U.S.A. )  
TRANSPORTATION, INC., P. O. BOX 26, )  
HIDEAWAY PARK, COLORADO. )  
-----

APPLICATION NO. 23495-Transfer

-----  
January 29, 1969  
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Appearances: Sidney H. Tellis, Esq., Denver,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 8, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 7137.

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

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

1. Transferor herein is the present owner and operator of PUC No. 7137, 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. The purpose of this transfer is to place the authority into a corporate structure. Mr. Dean M. Oden, the Transferor, will be the President and majority stockholder of the Transferee corporation.
4. Transferee corporation herein holds no previously granted authority from this Commission.
5. The Certificate is free and clear of any debts, encumbrances or obligations.
6. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
7. The chief corporate officers as well as the employees of the Transferee corporation 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 and have or will make adequate provision for insurance.
8. If this transfer is approved, Transferee corporation 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. 7137 to Grand Country U.S.A. Transportation, Inc., and that henceforth the full and complete authority under said PUC No. 7137 shall read as follows, to-wit:

"Transportation -- by taxicab -- of

Passengers

From point to point within a twenty (20) mile radius of Hideaway Park, Grand County, Colorado, and from said area to points in the State of Colorado.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dean M. Oden, Hideaway Park, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 7137 to Grand Country U.S.A. Transportation, Inc., Hideaway Park, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7137 shall read and be as follows, to-wit:

Transportation -- by taxicab -- of

Passengers

From point to point within a twenty (20) mile radius of Hideaway Park, Grand County, Colorado, and from said area to points in the State of Colorado.

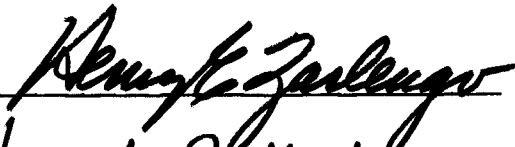
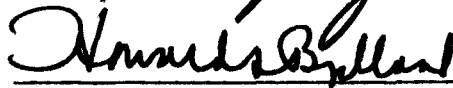

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements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

  
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Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.  
gf

Original

(Decision No. 72486)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INCREASED MILEAGES AND RATES )  
APPLICABLE ON PETROLEUM PRODUCTS, )  
AS DESCRIBED, BETWEEN DENVER ON )  
THE ONE HAND AND RAMAH AND SIMLA, )  
VIA LIMON, COLORADO )  
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CASE NO. 1585

-----  
January 31, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 10, 1969, Ruan Transport Corporation, by William Hogarth, Traffic Manager, filed 11th Revised Page 19 and 7th Revised Page 19A, to its Local and Distance Freight Tariff, Colorado PUC No. 5, scheduled to become effective February 10, 1969.

The rates published result in increased rates and charges following an adjustment in the miles over the shortest and most practicable operating route. The proposed miles and rates are set forth in Appendix A attached hereto.

On September 30, 1968, Ward Transport, Inc., by 3rd Revised Page 27, and 2nd Revised Page 28, to its Motor Freight Tariff No. C-4, Colorado PUC No. 4, made effective increased mileages and rates in compliance with Decision No. 71799, dated August 30, 1968. The above pages were denoted as increased rates and charges without symbolizing, however, the increased mileage to the points involved.

D. S. Smith, Sales and Traffic Manager, Ward Transport, Inc., in a letter submitted to the Commission, dated January 23, 1969, states:

"Referring to Original Page 27 of Ward Transport, Inc., No. C-4, Ramah was published as a destination point from Denver via two routes. Ramah via Colo. 86 was figured through Franktown, Kiowa, thence from a point east of Kiowa on Colorado Highway 86 over county roads, with a total mileage of 87, and the mileage scale rates applied. The other route was figured via Limon for 105 miles and again the mileage scale rates were applied.



"By Decision No. 69727, dated June 23, 1967, Ward Transport, Inc., was granted permission to eliminate Ramah via Colorado Highway 86 and this was published on 1st Revised Page 27 effective July 8, 1967. This change was made due to poor road conditions and weak bridge conditions and at the request of the County Commissioners that we refrain from using the county roads and that we stay on the paved highways.

"After review, it was discovered that the mileage of 105 via Limon was incorrect and this was corrected by issuing 3rd Revised Page 27 with the correct mileage of 113 which is figured from the 1968 Official Colorado Highway Map. The corresponding rates were taken from the applicable mileage scale, since all point to point rates are figured directly from the mileage scale.

"The same explanation holds true for the destination of Simla. The mileage was incorrectly computed and the mileage of 108 published on 2nd Revised Page 28 is correctly figured from the 1968 map referred to above and the rates were figured from the applicable mileage scale."

Under the provisions of Chapter 115, Colorado Revised Statutes 1953, 115-3-2, the Commission is empowered to prevent unjust discrimination and also 115-6-19, to order the payment of reparations, - no complaints have been filed in this instance, and to prevent for the future the possible occurrence thereof, the Commission finds that the increased mileages appear to be correct, and the resulting rates to Ramah and Simla, Colorado, appear to be just and reasonable. 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" herein, be, and they are hereby, made a part hereof.
2. That the changes in the mileages, rates and charges appearing in Appendix "A" hereto, shall be the prescribed rates and mileages of the Commission.
3. That all motor vehicle common carriers who are affected by the changes prescribed herein shall publish for the future, 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, mileages and rates which shall not be less than those

herein prescribed for motor vehicle common carriers.

5. That on and after February 10, 1969, 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.

6. That on and after February 10, 1969, 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.

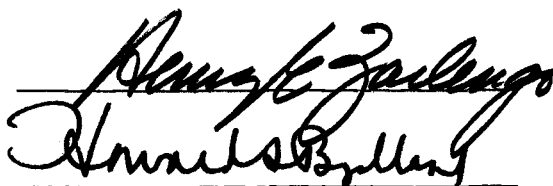
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

8. That the order 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

  
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Commissioners

Dated at Denver, Colorado, this  
31st day of January, 1969. av

APPENDIX "A"

RUAN TRANSPORT CORPORATION  
COLORADO PUC No. 5

Changes effective February 10, 1969

Rates on Petroleum Products as described in Items 10 and 12					
SECTION 1					
Rates in cents per gallon, applicable on shipments moving between points located within "PLAINS TERRITORY" (See Item 30)					
TO COLORADO POINTS	FROM				
		DENVER (Item 55)			
	MILES	A	A-1	B	B-1
Eleventh Revised Page 19					
Ramah Via Limon	(a) 113 ♦	1.125 ♦	1.040 ♦	1.261 ♦	1.166 ♦
Seventh Revised Page 19A					
Simla Via Limon	(b) 108 ♦	1.083 ♦	1.001 ♦	1.213 ♦	1.123 ♦

(a) 105 Miles: 10th Revised Page 19

(b) 94 Miles: 6th Revised Page 19A

♦ Denotes increase.

Case No. 1585  
Decision No. 72486  
January 31, 1969

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
COWBOY VAN LINES, INC., DOING BUSI- )  
NESS AS "COWBOY TRASH DISPOSAL SYS- )  
TEM," 3722 CHESTNUT PLACE, DENVER, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 3741 TO COWBOY TRASH DISPOSAL )  
SYSTEM, INC., 3722 CHESTNUT PLACE, )  
DENVER, COLORADO. )

APPLICATION NO. 23531-Transfer

-----  
January 29, 1969  
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Appearances: David A. Ogilvie, Esq., Denver,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 13, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3741.

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

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

1. Transferor herein is the present owner and operator of PUC No. 3741, 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. The proper Transferor in this proceeding is Cowboy Van Lines, Inc., doing business as "Cowboy Trash Disposal System". So as to conform to the evidence, the title of this Report is set forth in the corrected manner.
4. Cowboy Van Lines, Inc. will no longer do business as "Cowboy Trash Disposal System" nor will it retain any authority whatsoever from this Commission. Cowboy Van Lines, Inc. does have interstate authority and obviously will continue its operation of the interstate authority.
5. The Transferee, Cowboy Trash Disposal System, Inc., will take over and operate the entire intrastate authority, PUC No. 3741.
6. Transferee herein holds no previously granted authority from this Commission.
7. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.
8. This Certificate is not free and clear of all liens, encumbrances or obligations and the transfer should be made subject to existing encumbrances of record.
9. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
10. The chief corporate officers as well as the employees of the Transferee corporation 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 and have or will make adequate provision for insurance.
11. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
12. 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 its right, title and interest in and to PUC No. 3741 to Cowboy Trash Disposal System, Inc., that said transfer be made subject to existing encumbrances of record and that henceforth the full and complete authority under said PUC No. 3741 shall read as follows, to-wit:

"The conduct of a general transfer and cartage business  
Between all points within the City and County of Denver  
and a fifteen (15) mile radius thereof.

RESTRICTION:

Restricted from rendering services within that portion  
of Jefferson County, lying west of Youngfield Street."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Cowboy Van Lines, Inc., doing business as "Cowboy Trash Disposal System," Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3741 to Cowboy Trash Disposal System, Inc., Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3741 shall read and be as follows, to-wit:

The conduct of a general transfer and cartage business  
Between all points within the City and County of Denver  
and a fifteen (15) mile radius thereof.

RESTRICTION:

This Certificate is restricted against the rendering of  
any transportation service within that portion of Jefferson  
County, State of Colorado, lying west of Youngfield Street.

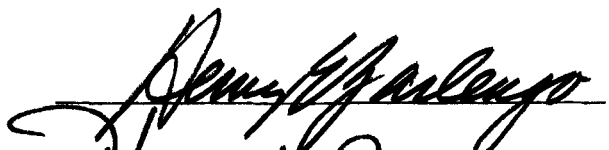
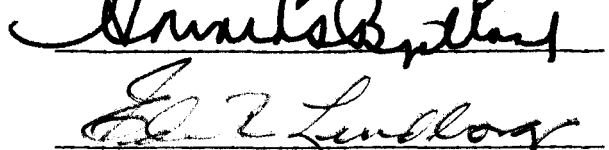
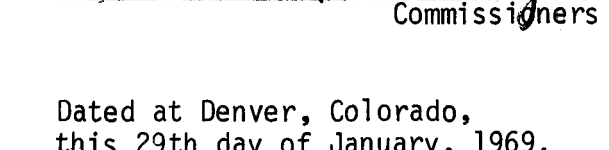
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said certificate has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements 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 29th day of January, 1969.  
1s

(Decision No. 72488)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WENDELL E. BENNETT, DOING BUSINESS AS	)	
"BENNETT'S DELIVERY SERVICE," 1007	)	
FLORENCE AVENUE, COLORADO SPRINGS,	)	<u>APPLICATION NO. 23484-PP-Transfer</u>
COLORADO, FOR AUTHORITY TO TRANSFER	)	
PERMIT NO. B-6709 TO BOB C. HOCHSTETLER,	)	
DOING BUSINESS AS "BOB'S APPLIANCE	)	
DELIVERY SERVICE," 2529 BUSCH AVENUE,	)	
COLORADO SPRINGS, COLORADO.	)	

-----  
January 29, 1969  
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Appearances: John E. Grindell, Esq., Colorado Springs, Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 7, 1968, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-6709.

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

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

1. Transferor is an individual doing business as "Bennett's Delivery Service."
2. Transferor herein is the present owner and operator of Permit No. B-6709, 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. Transferee presently holds previously granted authority from this Commission under Permit No. B-7044 and M-781.
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 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 the 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 the 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 authorizing Transferor to transfer all of his right, title and interest in and to Permit No. B-6709 to Bob C. Hochstetler, doing business as "Bob's Appliance Delivery Service", and that henceforth the full and complete authority under said Permit No. B-6709 shall read as follows, to-wit:

"Transportation of

(1) Appliances, fixtures

Between points within an area comprised of El Paso County and the north half of Teller County, State of Colorado.

RESTRICTION:

- (a) Restricted to shipments wherein the commodity is installed or serviced at delivery.
- (b) Restricted to the use of equipment not to exceed 3/4 ton manufacturing rated capacity."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Wendell E. Bennett, doing business as "Bennett's Delivery Service," Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-6709 to Bob C. Hochstetler, doing business as "Bob's Appliance Delivery Service," Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-6709 shall read and be as follows, to-wit:

Transportation of

- (1) Appliances and fixtures

Between all points within El Paso County, State of Colorado and the north half of Teller County, State of Colorado.

RESTRICTION:

This Permit is restricted as follows:

- (a) Restricted to shipments of appliances or fixtures to be installed or serviced by the permit holder hereof.
- (b) Restricted to the use of equipment not to exceed 3/4 ton manufacturer's rated capacity.

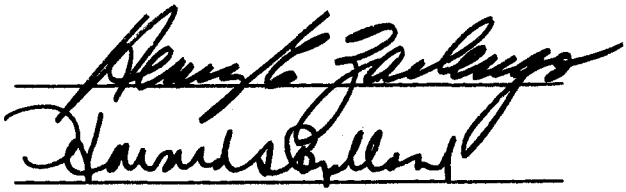

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this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

  
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Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.

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(Decision No. 72489)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
VIRGIL A. COON, 1828 GROVE STREET, )  
BOULDER, COLORADO, FOR AUTHORITY TO )  
TRANSFER PUC NO. 3430 TO ALL-WHITE )  
CORPORATION, 3526 NEWLAND STREET, )  
WHEATRIDGE, COLORADO. )

APPLICATION NO. 23527-Transfer

-----  
January 29, 1969  
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Appearances: Edward E. Kingery, Esq., Boulder,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 6, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3430.

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

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

1. Transferor is the present owner and operator of Certificate of Authority PUC No. 3430, 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. This is an application to transfer Certificate of Authority PUC No. 3430, which presently provides as follows:

"Transportation of trash, rubbish, refuse, garbage, swill refuse, animal or vegetable matter, refuse trees and tree limbs; refuse, coal, wood, timber, lumber, sand, gravel, and all and every item of a similar refuse or junk nature, within the City of Boulder, Colorado, and a 5-mile radius thereof, and to the present City Dump, approximately 3 miles beyond the City Limits of Boulder, or to any dump that may be hereafter established."
4. It should be noted that this is not only an authority to transport ashes, trash and other refuse but also includes garbage, swill, vegetable matter, tree limbs, coal, wood, timber, lumber, sand, gravel, and all and every item of a similar refuse or junk nature. However, the authority has, in the past, been operated as an "ashes, trash and other refuse" authority and it is the intent of the Transferee to so operate the authority in the future. The authority should, therefore, be redescribed as an "ashes, trash and other refuse" authority.
5. Transferee corporation also holds Permit No. B-7265, which provides as follows:

"Transportation of

  - (1) Ashes, trash and other refuse

From the IBM Plant at Niwot, Colorado, to designated and approved dumps and disposal sites in the following Counties of the State of Colorado: Boulder, Adams, Weld, Denver and Larimer.
  - (2) Ashes, trash and other refuse

From the Beech Aircraft Plant, Boulder, Colorado, to designated and approved dumps and disposal sites in the following Counties of the State of Colorado: Boulder, Adams, Weld, Denver and Larimer."
6. There is no material overlapping or duplication of the authorities.
7. The parties have entered into an Agreement to transfer the operating authority and the consideration to be paid is fair and reasonable.

8. This Certificate is to have a lien placed against it in favor of the Transferor.
9. The granting of this application was not protested.
10. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
11. The chief corporate officers as well as the employees of Transferee corporation 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 and have or will make adequate provision for insurance.
12. If this transfer is approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
13. 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. 3430 to All-White Corporation, and that henceforth the full and complete authority under said PUC No. 3430 shall read as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From the City of Boulder, Colorado, and a five (5) mile radius thereof to any designated and approved dumps and disposal sites."

AND, FURTHER,

That the Commission give its approval to a lien to be placed upon the authority in favor of the Transferor upon the filing of the proper FINANCING STATEMENTS AND SECURITY DOCUMENTS.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Virgil A. Coon, Boulder, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3430 to All-White Corporation, Wheatridge, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3430 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse


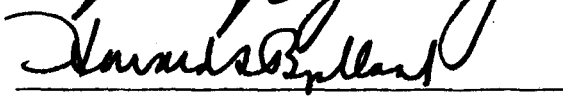

From the City of Boulder, Colorado, and a five (5) mile radius thereof to any designated and approved dumps and disposal sites.

That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificate of Public Convenience and Necessity PUC No. 3430 according to the terms and conditions of the agreement as made and entered into by and between the Transferor and Transferee herein.

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

  
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Commissioner

Dated at Denver, Colorado,  
this 29th day of January, 1969.  
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(Decision No. 72490)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: APPLE JUICE, EDIBLE SYRUP AND ) VINEGAR, IN BULK, IN TANK VEHICLES, ) BETWEEN POINTS ON THE WESTERN SLOPE ) OF COLORADO, AND DENVER, COLORADO. ) -----	<u>INVESTIGATION AND SUSPENSION</u> <u>DOCKET NO. 622</u>
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January 29, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 5, 1968, the Commission entered Decision No. 72270 instituting proceedings in the above-entitled matter, which decision, among other things, set said matter for hearing at 10:00 A.M., on February 5, 1969, at 500 Columbine Building, Denver, Colorado.

On December 27, 1968, the Commission entered Decision No. 72357, granting Petition to Intervene of Bulk Transporters, Inc. in said matter.

On January 27, 1969, John J. Conway, Attorney for Jim Chelf, Inc. filed with the Commission a Petition for Continuance, requesting that the hearing presently scheduled for February 5, 1969, be continued to sometime after March 15, 1969.

The Commission states and finds that said request is compatible with the public interest and that the Petition for Continuance should be granted.

O R D E R

THE COMMISSION ORDERS:

That Petition for Continuance filed with the Commission by Jim Chelf, Inc. by its Attorney, John J. Conway, be, and the same hereby is, granted.

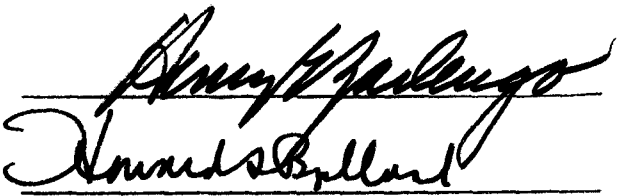
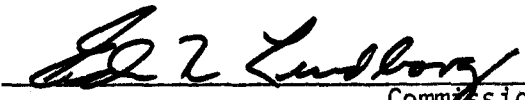
That hearing presently set for 10:00 A.M., on February 5, 1969, at 500 Columbine Building, Denver, Colorado, be, and the same hereby is, vacated.

That said matter be, and the same hereby is, continued and reset for hearing at 10:00 A.M., on March 18, 1969, at the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That, twelve (12) days prior to the hearing date herein, the Respondent is hereby ordered to provide the Secretary of the Commission with copies of any and all exhibits which are intended to be introduced in support of its case.

That in the event said exhibits are not received within the time limit, as set forth above, the hearing date will be vacated; the instant matter will be dismissed; and the rates under suspension shall be cancelled.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.

1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD E. SMART, DOING BUSINESS AS )  
"SHOSHONI TRANSPORTATION CO.," 6500 )  
EAST 88TH AVENUE, HENDERSON, COLORADO, )  
FOR A CLASS "B" PERMIT TO OPERATE AS )  
A PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 23492-PP

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January 29, 1969  
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Appearances: Richard E. Smart, Henderson,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 13, 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

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

1. Applicant is an individual doing business as "Shoshoni Transportation Co."
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  
Silver and Lead Ore  
Between all points in the State of Colorado.

#### RESTRICTION:

This authority is restricted as follows:

To serving one customer only, viz., Western Bonanza Mining, Denver, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Richard E. Smart, doing business as "Shoshoni Transportation Co.," Henderson, Colorado, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of  
Silver and lead ore  
Between all points in the State of Colorado.

RESTRICTION:

This Permit is restricted to the rendering of transportation service for only Western Bonanza Mining, Denver, Colorado;

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

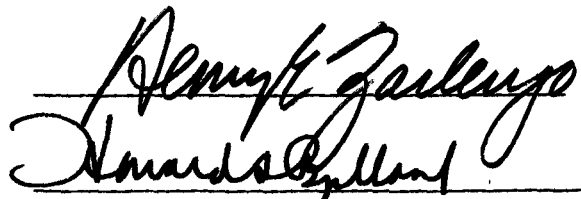
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

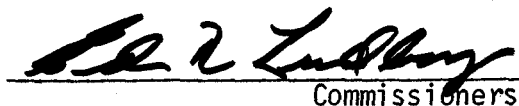
That this Order is the permit herein provided for, but it shall not become effective until applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

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

  
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Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.

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(Decision No. 72492)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICK'S HAULING SERVICE, INC., P. O. ) APPLICATION NO. 23353-Extension  
BOX 708, FORT COLLINS, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 3707. )  
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January 29, 1969  
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Appearances: William A. Wilson, Esq., Denver,  
Colorado, for Applicant;  
David E. Driggers, Esq., Denver,  
Colorado, for Otto Streeb, doing  
business as "Otto Streeb Transfer  
Co.," and Bestway Disposal Co.,  
Protestants;  
Frank E. Starkey, Esq., Berthoud,  
Colorado, for Maurice G. Burgess,  
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 8, 1968, the above-entitled application was filed re-  
questing authority to extend operations under Certificate of Public Convenience  
and Necessity PUC No. 3707 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 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 the hearing, the application was amended in the following form and manner, to-wit:

"Transportation of ashes and trash from point to point within the city limits of Fort Collins, Colorado, and an eighteen mile radius thereof, excluding the Town of Berthoud, Colorado, and a five mile radius, to regularly designated and approved dump sites within Larimer County, State of Colorado. Restricted against service, to, from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14."

The amendment, being restrictive in nature, was granted, whereupon all Protestants withdrew and the application was heard as a non-protested proceeding.

Further, Applicant moved to amend its application so as to authorize dumping in Weld County in addition to Larimer County, which Motion was granted on the basis of Commission Decision No. 71602, dated July 18, 1968, a part of which had to do with authorizing extended dumping facilities and wherein the Commission said in part:

"The right under said authority to dump at such dumps and disposal sites is inherent in the original authority . . . that the motion 'to extend' in actuality is not a motion to enlarge the authority."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their 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

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

1. Applicant is a Colorado corporation duly authorized and existing under the laws of the State of Colorado.
2. Applicant presently holds authority from this Commission under PUC No. 3707, which reads as follows:

"Transportation of ashes and trash from point to point within the city limits of the City of Fort Collins, Colorado and a three-mile radius thereof to regularly-designated and approved dumps and disposal places within the County of Larimer, State of Colorado."
3. The authority to which extension is hereby sought, PUC No. 3707, has been continually operated in the past and is presently in good standing with the Commission.
4. Among the officers of this corporation are James D. Rickard, its President, and F. D. Richard, its Vice-President. Mr. James D. Rickard owns Certificate of Authority PUC No. 3582, which is an ash and trash service within the City of Fort Collins and Mr. F. D. Rickard owns Certificate of Authority PUC No. 3172, which is an ash and trash service in the City of Fort Collins together with an adjoining area as more fully set forth in the authority. In this regard, Applicant, in this proceeding, testified and it is found as a matter of fact that the authorities will operate completely and distinct from one another and that there is no effort whatsoever upon the owners thereof to misuse or abuse any duplication among the three (3) authorities. The separate entities and ownership of the authorities are maintained for good and sufficient reasons.
5. By this application, Applicant seeks to extend the authority under PUC No. 3707 as follows:

"From its present boundaries of the City of Fort Collins and a three-mile radius thereof to an eighteen-mile radius of the City of Fort Collins, excluding the Town of Berthoud, Colorado, and a five-mile radius and restricted against service to, from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14."
6. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.



10. There is presently no service available in the area to which extension is sought.
11. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
12. 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 authorizing that Applicant be and hereby is authorized to extend operations under PUC No. 3707 as follows:

"From its present boundaries of the City of Fort Collins and a three-mile radius thereof to an eighteen-mile radius of the City of Fort Collins, excluding the Town of Berthoud, Colorado, and a five-mile radius and restricted against service to, from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14."

That henceforth the full and complete authority under PUC No. 3707 shall read and be as follows, to-wit:

"Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, Colorado, and an eighteen-mile radius thereof to regularly designated and approved dump sites in Larimer and Weld Counties, State of Colorado.

#### RESTRICTIONS:

This Certificate is restricted as follows:

- (a) Excluding the Town of Berthoud, Colorado, and a five-mile radius thereof.
- (b) Excluding any service to, from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter

modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Rick's Hauling Service, Inc., Fort Collins, Colorado, be and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3707 to include the following:

From its present boundaries of the City of Fort Collins and a three-mile radius thereof to an eighteen-mile radius of the City of Fort Collins, excluding the Town of Berthoud, Colorado, and a five-mile radius and restricted against service to, from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3707 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, Colorado, and an eighteen-mile radius thereof to regularly designated and approved dump sites in Larimer and Weld Counties, State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

- (a) Restricted against the rendering of any transportation service within the Town of Berthoud, Colorado, and a five-mile radius thereof.
- (b) Restricted against the rendering of any transportation service from or between any points lying south and east of the intersection of Interstate Highway No. 25 and Colorado Highway No. 14.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zaidings  
Donald B. Hall

Ed R. Lundberg  
Commissioners

Dated at Denver, Colorado,  
this 29th day of January, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: APPLE JUICE, EDIBLE SYRUP AND )  
VINEGAR, IN BULK, IN TANK VEHICLES )  
BETWEEN POINTS ON THE WESTERN SLOPE )  
OF COLORADO AND DENVER, COLORADO )  
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Investigation and Suspension  
Docket No. 621

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February 6, 1969  
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Appearances: F. Bruce Ownbey, Esq., Denver,  
Colorado, for Respondent Roth  
Truck Lines, Inc.;

Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Protestant  
Bulk Transporters, Inc.;

Ralph H. Knull, Denver, Colorado,  
for the Staff of the Commission

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 11, 1968, Roth Truck Lines, Inc. (herein "Roth" or "Respondent"), by F. M. Sanborn, President, Jefferson, Colorado, filed its Schedule of Minimum Rates No. 2, Colorado PUC No. 2, which was to become effective November 10, 1968, except as to certain portions thereof. Items No. 30, 50 and 60 were to become effective October 21, 1968, after ten days' notice, by virtue of Special Permission No. 15163 of this Commission, dated October 10, 1968. On October 18, 1968, Bulk Transporters, Inc., (herein "Bulk Transporters" or "Protestant") filed its protest and petition for suspension, directed against Items Nos. 30, 50 and 60 of the referred to tariff. By our Decision No. 72061, we suspended the operation of items Nos. 30, 50 and 60 of Roth's PUC No. 2, and scheduled these proposed minimum rates and charges for investigation. Presently the period of suspension will expire with February 18, 1969. Upon due notice to the parties the case was heard December 12, 1968, at the hearing room of the Commission in Denver, Colorado.

Roth performs for-hire motor vehicle service as a private (contract) carrier, pursuant to Private Carrier Permit B-472, which authorizes operations as follows:

"Transportation of all commodities from and to all points in the State of Colorado, provided that the owner of said permit shall not be permitted without further authority from this Commission to establish a branch office or to have an agent employed in any other town, city, or location than Jefferson, Colorado, for the purpose of developing business."

Roth's principal office is located at Jefferson, Colorado. Additionally, it has a parking lot located on Vasquez Boulevard in Denver, Colorado. There is a small building or shack located on this lot, and at least one full-time employee resides in the Denver area.<sup>1/</sup> It operates four power units and a number of trailers of different types. As here pertinent, it owns one insulated stainless steel trailer with a capacity of 4800 gallons which has no pumping equipment and is not equipped for heating. It has an approximate value of \$5000. It has a stainless steel insulated trailer on lease which it states has an approximate value of \$3000. Under the terms of the lease Roth must pay the lessor 6 cents per mile operated. Presently, neither of the stainless steel trailers is in operation. The only use that the Respondent would have for this equipment is the transportation of the commodities involved on the rates which are here under investigation. It believes that its present power equipment would be sufficient to handle this operation in conjunction with one or the other of the stainless steel tank units. Should additional equipment be necessary, it believes that the same could be acquired on lease.

Roth offers no cost studies or other data to demonstrate the cost which it will incur in connection with the operation, and, while claiming that it operates profitably on a systemwide basis, produced no statements in support of this contention.

<sup>1/</sup> While not an issue in this proceeding, we cannot overlook a possible violation of Respondent's operating rights. Respondent is admonished to carefully review the operation of this so-called "parking lot" to assure itself that it is not in violation of the office restriction contained in its permit.

It offers its unsubstantiated opinion that the rates would be "compensatory" on a "fill-in" basis. It proposes to handle the traffic under review as "fill-in" traffic when its equipment is not otherwise engaged. As such, Roth opines that the traffic would be profitable to it.

The only shipper contacted by Roth was the Speas Company which ships vinegar from Denver, Colorado to Grand Junction, Colorado, and which ships apple juice from Delta, Colorado to Denver, Colorado. Despite the statement (in Roth's Application No. 1 for short notice to publish the rates under investigation herein) quote. "Roth Truck Lines, Inc., has been requested by its customers to begin performing the service immediately," Roth admits that it has not discussed the liquid syrup traffic with any shipper and has no contracts with anyone. Roth states that, if this Commission permits the rates and charges here under investigation to become effective, he will then proceed to negotiate a suitable contract with the Speas Company and solicit liquid syrup traffic.

Roth knows that Bulk Transporters presently handles this traffic, and the minimum rates and charges proposed by Roth were designed to be competitive with Bulk Transporters' rates for the same service. The following Table 1 sets forth the Tariff Authority as well as the rate and minimum weight which would apply on each commodity from and to the points involved.

<u>Commodity and Points</u>	<u>Rate In Cents per 100 Pounds</u>	<u>Minimum Weight</u>	<u>Roth PUC No.2 Item No.</u>	<u>Bulk Transporters Tariff And Item No.</u>
Bulk apple juice, from Delta, Colorado, to Denver, Colorado	48	Tank Capacity	30	PUC No. 10, Item 100
Bulk edible syrup, between Denver and Grand Junction	75	40,000 pounds	50	PUC No. 8 1st R/P 8
Bulk vinegar, from Denver to Grand Junction	87	30,000 pounds	60	PUC No. 3, Item 25

Bulk Transporters operates as both a common carrier and a private carrier by motor vehicle for-hire. As a common carrier, it

conducts operations under Certificate of Public Convenience and Necessity

PUC No. 4350 which, as pertinent hereto, authorizes the following:

"Transportation of vinegar, in bulk, in tank trucks, between Denver, Colorado, on the one hand, and, on the other, Pueblo, Grand Junction, Fort Collins, Longmont, and Brighton, Colorado, over irregular routes;

\*\*\*\*\*

"For the transportation of edible syrups, and blends thereof, in bulk, between points in Colorado, located on and east of the Continental Divide, and on and north of U. S. Highway No. 24, and between points in said area, on the one hand, and points in the State of Colorado, on the other."

As a private (contract) carrier for-hire by motor vehicle, Bulk Transporters performs operations under Permit No. B-6607 which authorizes operations as follows:

"Transportation of apple juice, in bulk, in tank vehicles, from Delta, Colorado, and points within five miles thereof, to Denver, Colorado, over irregular routes."

Bulk Transporters' rates, as set out above, which apply to the transportation of bulk apple juice, are the minimum rates and charges of a private (contract) motor vehicle carrier. Its rates, applicable to the transportation of bulk vinegar and bulk edible syrup are the exact rates of a motor vehicle common carrier. This Commission has not prescribed the rates and charges applicable to the commodities and between the points involved in this proceeding.

Protestant, Bulk Transporters, with its principal office at Gilcrest, Colorado specializes in the transportation of bulk commodities both liquid and dry, and has many years of experience in the performance of this transportation service. It owns 8 stainless steel tank trailers and leases 2 trailers. This equipment is all insulated and some is equipped for heat in transit or for unloading. It finds stainless steel equipment to be the most suitable for the transportation of bulk apple juice and bulk vinegar and finds heaters to be necessary as these commodities can freeze in adverse weather. The liquid syrup frequently has a very high viscosity requiring special pumping equipment from the tank vehicle. Bulk Transporters has both heavy-duty and ordinary pumps which are suitable for this service, and supplies the necessary hoses.

Excluding the cost of the hoses, Bulk Transporters has an investment of \$66,650.87 in this tank trailer equipment. It leases its power equipment from its principal owner, Frederic A. Bethke. Gasoline powered equipment is leased for 16 cents per mile and diesel powered equipment is leased for 17 cents per mile. It has 5 pieces of power equipment permanently leased on this arrangement.

Protestant states that its biggest year was 1965. Since that time, its traffic has been relatively stable with a slight downward trend. It has one shipper which accounts for a substantial portion of its traffic, and numerous small shippers which comprise the remainder of its common carrier traffic. Many of these shippers will ship one or two loads of these liquid commodities per month, and must utilize for-hire service, as the amount of such shippers' traffic makes it economically unfeasible for the shipper to utilize company-operated equipment. Bulk Transporters common carrier traffic is subject to peaks and slumps of demand which occur seasonally, as well as on particular days. It shows that it had 113 loads systemwide in January of 1968, as compared with 165 loads systemwide in July of 1968. Additionally, it points out that not infrequently many small shippers will select the same day to demand service and that it must have equipment available to meet these demands. Bulk states that some shippers will give it as much as two days' notice before a load is to be transported, but others will give no advance notice at all. The necessity for having adequate equipment on hand to handle this traffic demands would make it impossible for Bulk Transporters to eliminate any of its fleet if it loses any of the traffic which is involved on the rates and charges which are here under investigation.

Bulk Transporters total gross revenue for the year ended December 31, 1967 was \$116,171.68. Its net profit after taxes for the same year was \$12,887.57. For the first nine months of 1968, its total gross revenue was \$93,523.61 and its net profit, after allowance for income tax, was \$8,243.30. Its traffic which Roth could solicit on the



investigated rates and charges approximates 5 percent of its systemwide revenue as shown in the following Table 2.

TABLE 2

BULK TRANSPORTERS, INC.  
Traffic Subject to Diversion to Roth

<u>Eleven Months of 1968</u>			
<u>COMMODITY</u>	<u>LOADS</u>	<u>POUNDS</u>	<u>REVENUE</u>
Apple Juice	7	234,010	\$1123.22
Vinegar	5	164,840	1518.68
Corn Syrup	<u>10</u>	<u>398,320</u>	<u>3012.47</u>
TOTALS	<u>22</u>	<u>797,170</u>	<u>\$5654.37</u>

<u>Full Year - 1967</u>			
<u>COMMODITY</u>	<u>LOADS</u>	<u>POUNDS</u>	<u>REVENUE</u>
Apple Juice	12	414,489	\$1989.50
Vinegar	3	116,390	1012.59
Corn Syrup	<u>11</u>	<u>440,060</u>	<u>3319.22</u>
TOTALS	<u>26</u>	<u>970,939</u>	<u>\$6321.31</u>

Bulk Transporters states that it has a number of shippers that utilize common carrier service, with no more traffic to carry than that demonstrated above. The apple juice and vinegar are both shipped by the same concern and the corn syrup by another. The corn syrup shipments from Denver to Grand Junction move at a rate of slightly less than one shipment per month throughout the year. The vinegar from Denver to Grand Junction is shipped to manufacture catsup, and only moves during the tomato harvest season which is August, September and October. The eastbound apple juice movement from Delta, Colorado to Denver, Colorado is used by Bulk Transporters as a "backhaul" to its outbound common carrier operation. After delivering a load of syrup or vinegar in Grand Junction, Colorado, the driver calls Delta, Colorado to ascertain whether or not there is any apple juice to be transported from Delta to Denver. The eastbound apple juice moves principally by

rail. For motor carriers to participate in the movement at all, it is necessary that the motor carrier rate be no higher than the rail rate. The apple juice transported on the private carrier permit by Bulk Transporters is thus used to balance the westbound liquid syrup and vinegar transportation which it conducts as a motor vehicle common carrier. The record indicates that a backhaul load of apple juice is not available for each westbound load of vinegar and corn syrup.

Due to the nature of Bulk Transporters' traffic, it would be unable to eliminate any of its equipment if it lost the traffic which Roth here seeks. Similarly, it would not be able to reduce its overhead expenses. It computes that, if it lost all of the competitive traffic, based on operations for the first eleven months of 1968, it would be able to reduce its direct expense in the amount of \$3,518.81. Comparing this expense reduction with the revenue earned on the same traffic of \$5,654.37, the Protestant shows that it would have a loss of contribution to system overhead and profit of \$2,135.56. It states that this loss of traffic would require Bulk Transporters to seek additional revenue, which could only be obtained by rate increases which would apply to the remaining shippers continuing to utilize its service.

#### DISCUSSION AND CONCLUSIONS

This record is bare of any credible evidence upon which this Commission could make a determination as to whether or not the rates and charges here proposed would be compensatory. We have said that the burden of proof is on the Respondent--the proponent of the rates and charges being investigated--to demonstrate by credible evidence that the proposed rates and charges are lawful. A minimum showing in this regard is to demonstrate that the rates and charges will be compensatory to the carrier or carriers involved. Non-compensatory rates and charges--whether instituted by common or private carriers--constitute unfair and destructive competition. The proponent of the rates and charges knows what it intends to do and what services will be performed. The evidence to demonstrate the compensativeness of the rates and charges is ordinarily exclusively in the

possession of the respondent. <sup>2/</sup> Respondent's failure of proof in this regard, standing alone, would warrant ordering the minimum rates and charges which are competitive with the common carrier rates and charges to be cancelled. Where, as here, it is alleged that the revenues from the investigated rates and charges will be insufficient, we must be convinced that institution of such rates and charges will not result in unfair or destructive competition.

The record indicates that the entire purpose of Roth's publication of the investigated rates and charges to apply on the liquid edible syrups and vinegar was to go into competition with Bulk Transporters' motor carrier operations. Roth's operations, under the investigated liquid edible syrup and vinegar rates, would be directly competitive with Bulk Transporters alone. Although Roth would have to obtain adequate pumping equipment before transporting liquid edible syrup, its service in the transportation of the syrup and vinegar would be identical to that of the motor common carrier, Bulk Transporters. In the performance of such service, however, it would not be held to the common carrier obligation to perform continuous and adequate service at just and reasonable rates. Bulk Transporters serves a myriad of shippers interchangeably with its equipment and holds itself out to perform service upon call and demand. Of necessity, it must maintain a fleet of equipment adequate to the needs of the public who use this particular specialized service. At the

<sup>2/</sup> Compare Decision No. 66530, Freight, All Kinds, In Shipper Owned Cargotainers Between Points in Colorado, Case No. 5307, January 4, 1965, wherein we said, with reference to certain motor common carrier rate proposals:

"The Commission, on the record, is unable to determine as to the compensativeness, or lack of, of the rates and charges under investigation in this proceeding. The burden of showing that the rates and charges under investigation are just and reasonable and otherwise lawful rests with the respondent. A minimum requirement would be to show that the rates and charges are compensatory. Respondent offered no cost studies or other data and it, therefore, follows that the rates and charges should be cancelled."

same time, the law prevents Bulk Transporters from earning excessive remuneration in the performance of its service. On the other hand, Roth, admittedly, would use the traffic which it takes away from Bulk Transporters as "fill-in," and seeks to justify its compensativeness on the grounds that its equipment would otherwise be idle. Thus, Roth could pick and choose the traffic which it desires to carry and leave Bulk Transporters to continue to serve the remainder of the public. This "skimming" operation thus engaged in would be unfair and could injure the public in that it would impair Bulk Transporters' service and doubtless require Bulk Transporters to seek rate increases. We have recently had occasion to discuss the differences between the legal obligations of motor vehicle common carriers and motor vehicle private carriers. In our Decision No. 69292, entered April 4, 1967, in Re: Prescribing Minimum Rates on Sand, Gravel and Related Commodities, in Dump Trucks Between Points in the State of Colorado, Case No. 1585. The transportation market involved in the instant proceeding is limited and the effect of the proposal on the motor common carrier is obvious. The impairment of the motor common carrier thus induced necessarily affects the public continuing to use the common carrier service in increased rates or curtailed service. Permitting the investigated minimum rates and charges applying on liquid edible syrup and vinegar to become effective would impair, by unfair competition, the service or business of Bulk Transporters, a motor vehicle common carrier.

The bulk apple juice transportation presents a different problem. On these movements Bulk Transporters is also a private carrier. It does not purport to perform all of the apple juice transportation which may be required, but rather uses the east bound bulk apple juice movement to balance its westbound common carrier transportation of syrup and vinegar. While the eastbound private carrier apple juice transportation performed by Bulk Transporters is closely related to and supports the westbound common carrier transportation of liquid syrup and vinegar, as to the transportation of bulk apple juice, Roth could not be said to be competing with a common carrier. We have held that under the Public Utilities Law

one motor vehicle private carrier is not entitled to protection from the competition of another motor vehicle private carrier. See Re: Prescribing Minimum Rates on Sand, Gravel, and Related Commodities, in Dump Trucks Between Points in the State of Colorado, supra, where at page 18, we said:

"We now specifically rule and so hold that the Public Utilities Commission of the State of Colorado has neither the power nor the duty to prescribe minimum rates and charges (or indeed any rates or charges) to be collected by private carriers when not competing with duly authorized motor vehicle common carriers."

While upon this record we have grave doubts as to the compensativeness of the rates and charges proposed on apple juice from Delta, Colorado to Denver, Colorado, as applied to Roth, we shall nevertheless permit those rates and charges to become effective because in the conduct of such operations Roth will not be competing with a motor vehicle common carrier.

All rulings on evidence and motions made by the Presiding Commissioner have been reviewed and found to be proper.

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

##### THE COMMISSION FINDS:

1. That Roth Truck Lines, Inc., a motor vehicle private carrier, in the performance of service under Item 50 and Item 60 of its Schedule of Minimum Rates No. 2, Colorado PUC No. 2, transporting bulk edible syrups, and blends thereof, in tank vehicles, between Denver and Grand Junction, and bulk vinegar, in tank vehicles, between Denver and Grand Junction, would be competing with Bulk Transporters, Inc., a motor vehicle common carrier performing substantially the same or similar service.

2. That the investigated minimum rates and charges in Items 50 and 60 of Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, Colo. PUC No. 2, would, if permitted to become effective, result in the impairment of the service or business of Bulk Transporters, Inc., a motor vehicle common carrier, by unfair competition, and the minimum rates and charges in the identified Items 50 and 60 have not been shown to be compensatory and non-destructive and otherwise lawful.

3. That Roth Truck Lines, Inc., in the transportation of bulk apple juice, in tank vehicles, from Delta, Colorado, and points within five miles thereof, to Denver, Colorado, under the provisions of Item 30

of its Schedule of Minimum Rates No. 2, Colo. PUC No. 2, would not be competing with a motor vehicle common carrier.

4. That the minimum rates and charges set forth in Items 50 and 60 of Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, Colo. PUC No. 2, applying on edible syrups, and blends thereof, in bulk, in tank vehicles, between Denver, Colorado, and Grand Junction, Colorado, should be required to be cancelled.

5. That the minimum rates and charges in Item 30 of Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, Colo. PUC No. 2, applying on bulk apple juice, in tank vehicles, from Delta, Colorado, and points within five miles thereof, to Denver, Colorado, should be permitted to become effective.

6. That an appropriate Order should be entered.

7. That these proceedings should be discontinued.

#### O R D E R

##### THE COMMISSION ORDERS:

1. That Roth Truck Lines, Inc., be, and it hereby is, ordered and required to cancel the provisions of Items 50 and 60 of its Schedule of Minimum Rates No. 2, Colo. PUC No. 2, which names minimum rates and charges to apply on edible syrups and blends thereof, in bulk, in tank vehicles, between Denver, Colorado, and Grand Junction, Colorado, and on bulk vinegar, in tank vehicles, between Denver, Colorado and Grand Junction, Colorado.

2. That the suspension of the provisions of Item 30 of Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, Colo. PUC No. 2, naming minimum rates and charges on apple juice, in bulk, in tank vehicles, from Delta, Colorado, and points within five miles thereof, to Denver, Colorado, should be, and it hereby is, discontinued as of the effective date hereof.

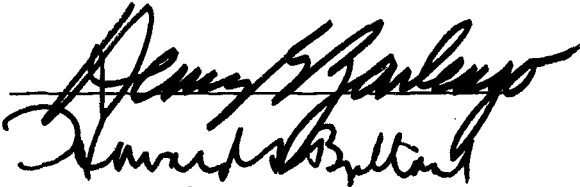

3. That the cancellation of the minimum rates and charges herein required shall be accomplished and become effective within thirty days after the effective date of this order by posting and filing the

necessary cancellation supplement upon not less than five days' notice to the public and to this Commission, in the manner prescribed by law and this Commission's Rules and Regulations.

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

5. That these proceedings should be, and they hereby are, discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado, this  
6th day of February, 1969. av

(Decision No. 72494)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LEO J. DURAN, P. O. BOX 327, MINTURN, )  
COLORADO, FOR A CERTIFICATE OF PUBLIC )  
CONVENIENCE AND NECESSITY TO OPERATE )  
AS A COMMON CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )  
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APPLICATION NO. 23473

RE: MOTOR VEHICLE OPERATIONS OF LEO )  
J. DURAN, P. O. BOX 327, MINTURN, )  
COLORADO, UNDER PERMIT NO. B-6483. )  
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PERMIT NO. B-6483

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February 3, 1969  
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Appearances: James W. Schroeder, Esq., Denver,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 30, 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 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

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

1. Applicant is an individual
2. Applicant presently holds authority from this Commission under Permit No. B-6483 as follows:

"Transportation of ashes, trash, garbage, and occasional items of furniture and general supplies, within a radius of ten miles of Vail, Eagle County, Colorado. EXTENDED to include the transportation of ash, trash, garbage and occasional items of furniture and general supplies, within a radius of 20 miles of Vail, Eagle County, Colorado, excluding any part of Summit County, Colorado."
3. Applicant also holds authority under Permit No. M-15188.
4. Applicant in the instant application requests a Certificate of Public Convenience and Necessity to conduct operations as a common carrier of motor vehicle for hire for the transportation of ashes, trash, and other refuse from all points within Eagle County, State of Colorado, to designated and approved dumps and disposal sites in Eagle County, State of Colorado.
5. In his application, Applicant agrees to a cancellation of that portion of Permit No. B-6483 which authorizes the transportation of ashes, trash, and garbage, if the instant application is approved.
6. Applicant filed an Amendment of Application dated December 21, 1968 as follows:

"That applicant requests a Certificate of Public Convenience and Necessity to conduct operations as a common carrier of motor vehicle for hire for the transportation of ashes, trash, and other refuse from all points within a radius of 25 miles of Vail, Eagle County, State of Colorado, excluding any part of Summit County, State of Colorado, to designated and approved dumps and disposal sites in Eagle County, State of Colorado."
7. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for 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. 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.
10. There is presently no service available.
11. The present or future public convenience and necessity requires or will require the service as hereinafter set forth.
12. The authority, as amended, 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, as amended, and authorizing Applicant to operate as a common carrier by motor vehicle for hire with authority as follows:

"Transportation of

- (1) Ashes, trash, and other refuse

From all points within Eagle County, State of Colorado, to designated and approved dumps and disposal sites located within Eagle County, Colorado."

and that, henceforth, the authority under Permit No. B-6483 shall read and be as follows, to-wit:

"Transportation of

- (1) Occasional items of furniture and general supplies

Between all points within a twenty (20) mile radius of Vail, Colorado.

RESTRICTION:

This Permit is restricted against service within Summit 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Leo J. Duran, Minturn, 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 all points within Eagle County, State of Colorado, to designated and approved dumps and disposal sites located within Eagle County, State of Colorado.

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

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

That henceforth, the full and complete authority under Private Carrier Permit No. B-6483 shall read and be as follows, to-wit:

Transportation of:

Furniture and general supplies

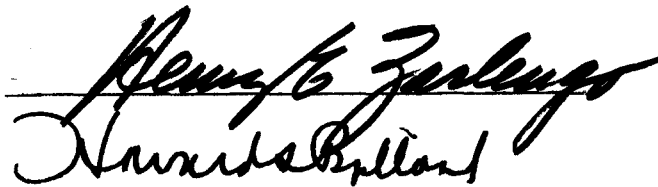
Between all points within a twenty (20) mile radius of Vail, Colorado.

RESTRICTION:

This Permit is restricted against the rendering of any transportation service within Summit County, State of Colorado.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEORGE W. McCUTCHEON, ELCENA J. )  
McCUTCHEON AND WILLIAM D. McBRIDE, )  
FOR AUTHORITY TO TRANSFER 40,000 )  
SHARES OF CAPITAL STOCK, BEING THE )  
CONTROLLING INTEREST IN AND TO )  
CORTEZ TAXI AND TRANSFER, INC., A )  
COLORADO CORPORATION, RECORD OWNER )  
OF PUC NO. 1689, TO CLAUDE S. ROGERS, )  
VERNA L. ROGERS AND ERNEST U. SEEMAN. )

APPLICATION NO. 23512-Stock Transfer

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February 4, 1969  
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Appearances: George W. McCutcheon, Cortez,  
Colorado, pro se;  
Claude S. Rogers, Cortez,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 25, 1968, the above-entitled application was filed requesting authority to transfer all of the outstanding capital stock of Cortez Taxi and Transfer, Inc., a Colorado corporation, record owner of Certificate of Public Convenience and Necessity PUC No. 1689, to Claude S. Rogers, Verna L. Rogers and Ernest U. Seeman.

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

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

1. Applicant corporation, Cortez Taxi and Transfer, Inc., is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
2. Applicant corporation is the owner and operator of Certificate of Authority PUC No. 1689, which is the subject of this proceeding.
3. George W. McCutcheon, Elcena J. McCutcheon and William D. McBride are the owners of all of the outstanding capital stock of Cortez Taxi and Transfer, Inc., and has continually operated Certificate of Authority PUC No. 1689 in the past. Said authority is presently in good standing with the Commission.
4. Transferees herein presently hold no previously granted authority from this Commission.
5. The parties have entered into an Agreement for the transfer of all of the outstanding and issued stock of Cortez Taxi and Transfer, Inc., and the consideration to be paid is fair and reasonable.
6. The Certificate is 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 authority sought herein.
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 the safety requirements of the Commission and 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.
11. The authority should be redrafted to comply with past operation of the authority as well as the intended operation for the future so that a taxicab service is furnished locally in the City of Cortez and from and to Cortez, to and from points within a fifty-mile radius thereof, which limitation is agreeable to the parties.

### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferors to transfer all of the outstanding capital stock of Cortez Taxi and Transfer, Inc. to Claude S. Rogers, Verna L. Rogers and Ernest U. Seeman, and that henceforth the full and complete authority under Certificate of Authority PUC No. 1689 shall read as follows, to-wit:

"Transportation -- in taxicab service -- of

(1) Passengers and their baggage

Between all points within the City of Cortez, Colorado, and a five (5) mile radius thereof, and between said points, on the one hand, and points within a fifty (50) mile radius thereof, on the other hand.

Transportation -- on call and demand -- of

(2) General commodities

Between all points within the City of Cortez, Colorado, and a five (5) mile radius thereof."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That George W. McCutcheon, Elcena J. McCutcheon and William D. McBride, be, and hereby are, authorized to transfer 40,000 shares of capital stock, being the controlling interest in and to Cortez Taxi and Transfer, Inc., a Colorado corporation, record owner of Certificate of Public Convenience and Necessity PUC No. 1689, to Claude S. Rogers, Verna L. Rogers and Ernest U. Seeman, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 1689 shall read and be as follows, to-wit:

Transportation -- in taxicab service -- of

(1) Passengers and their baggage

Between all points within the City of Cortez, Colorado, and a five (5) mile radius thereof, and between said points, on the one hand, and points within a fifty (50) mile radius thereof, on the other hand.

Transportation -- on call and demand -- of

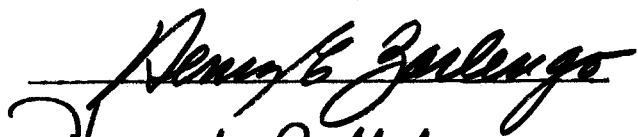


(2) General commodities

Between all points within the City of Cortez, Colorado, and a five (5) mile radius thereof.

That said transfer of stock 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 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 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 days from date hereof.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 4th day of February, 1969.  
gf

(Decision No. 72496)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

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

APPLICATION NO. 23172

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February 3, 1969  
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Appearances: Leo S. Altman, Esq., Pueblo, Colorado,  
for Applicant, Missouri Pacific Railroad  
Company;  
W. R. Rodman, St. Louis, Missouri, General  
Secretary-Treasurer for Transportation-  
Communication Employees Union, Protestants;  
Edward C. Hastings, Esq., Denver, Colorado,  
for the Town of Eads, Colorado, Protestant;  
J. L. McNeill, Denver, Colorado, of the  
Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On April 29, 1968, the Applicant, Missouri Pacific Railroad Company, filed the instant application. In accordance with the Commission Rules, Public Notice was posted at the Eads Depot, on May 9, 1968, to show the proposed change of service.

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.

By the instant application, permission and authority is sought by Applicant to close its Station and Agency at Eads basically because of the following reasons: That the amount of business and resulting revenue is insufficient to justify the continued operation of the station and



agency; that the volume of work amounts to an average of some two hours per day; that a full-time station operation cannot be continued on a net loss basis; and that closing of the station is compatible with the public interest and will not affect the safety of train operations.

Letters of protest on behalf of the Town of Eads, the Chamber of Commerce, and by local citizens were received by the Commission citing, in effect, the following: The continued need for Agency freight service by Eads and Haswell patrons; need for express service provided from rail station; that there is no railroad passenger service for the town; and that the loss of the depot would be a further detriment.

A proposal was made to the effect that the business now being handled at Eads could also be transacted at either the Agency Station of Avondale -- located 96 miles to the West -- or through the Agency Station of Sheridan Lake -- located 26 miles to the East; and that, if needed, necessary personnel could also be brought in and removed upon a temporary basis during times of seasonal rush or unforeseen demand in order to meet public needs.

Testimony on behalf of Applicant was presented by:

A. T. Yowell, Supervisor of Statistics and Accounting,  
St. Louis, Missouri

Leo Termer, Trainmaster, Local Area, Pueblo, Colorado

J. R. Scherer, Division Superintendent, Kansas Division,  
Osawatomie, Kansas.

The following exhibits were identified by Mr. Yowell and were received into evidence:

Exhibit No. 1 - Statement -- Period of January 1965 to end of December 1967 by months -- showing carloads, L.C.L. shipments and revenues (forwarded and received) at Eads, Colorado.

Exhibit No. 2 - Statement showing the number of carloads by commodities -- forwarded and received -- January 1965 to end of December 1967 including the Stations of Arlington and Haswell which are handled through the Eads Office.

Exhibit No. 3 - Statement of station expense at Eads, Colorado.

Exhibit No. 4 - Statement showing the approximate net railway operating income for Eads Station.

Exhibit No. 5 - Statement of net railway operating income for combined stations of Eads, Arlington and Haswell.

As noted on Exhibit 2, Haswell, Colorado was the Accounting station for Arlington until December 30, 1966 when the station was closed and the accounting for both locations was transferred to the Eads station. (See Application No. 22147, Decision No. 68610, December 2, 1966.)

Regarding Exhibit No. 5, it was shown that the added revenues of Arlington and Haswell for 1967 were combined with revenues of the Eads station to show a balance of \$2,158 and an Operating Ratio of 95.85%. This was in contrast to Exhibit No. 4 where only the revenues of the Eads Station were considered and which disclosed a loss of \$2,863 and an Operating Ratio of 110.01% for 1967.

Leo Termer, Trainmaster for Applicant, set forth the monthly time and motion studies made in 1967 to observe the amount of station work and the time required for performance of the various duties required at Eads. In his review of the study, it was shown that the daily working time for the Agent varied from one hour and fifty-five minutes in March to two hours and eleven minutes in January.

Mr. Termer described rail traffic as consisting of two regular freight trains daily in each direction, and that Eads service is provided by a local switching train moving east and west on alternate days. Open hours at the station are between 11:00 A.M. and 8:00 P.M. Monday through Friday of each week. There is no Western Union service at the station. In describing the Eads situation, Mr. Termer disclosed that the population of Eads was 920 persons; that it is located 96 miles east from the Agency Station of Avondale; and that it is 27 miles west from the station of Sheridan Lake. He named for the record the local businesses and disclosed the service availability of Continental Trailways Bus and the D.L.B. Truck Line.

It was disclosed that the principal activity of the region is agricultural with crop production dependent entirely upon the weather. In

this regard, Witness Termer stated that there had been many good years, but that on the basis of the poor years as shown and uncertain prospects, all forecasts indicated a declining need for the station and that a request to use the Sheridan Lake Agency was made. He further stated that a box will be placed at the Eads Station where shippers could deposit their bills of lading for train crew handling; and that cars could be ordered by telephone from the Sheridan Lake or Avondale Agencies.

It was noted that a box was placed at the Haswell Station but was not used because the bills have been picked up by the Eads Agent. With closing of the Eads Station, other handling by mail to Avondale or Sheridan Lake would require three days -- two days enroute and one day for signing. In the matter of damage claims it was disclosed that a report could be made to the Sheridan Lake Agent who would come to Eads to make a damage inspection but that past experience indicated only few claims were involved. It was also shown that if cars were not satisfactory for loading, the railroad would take the shippers' word and other cars would be forwarded through the Sheridan Lake or Avondale Office.

Relative to the various stations involved, Mr. Termer agreed that the Eads Station offered a centralized location in the area between Union Pacific rail line (20 miles north) and the Santa Fe Line (36 miles south); and that it was at the intersection of north-south Highway U.S. 287 and the east-west route Colorado No. 96.

Division Superintendent, J. R. Scherer, explained that future ordering of cars through the Sheridan Lake Station would be received by telephone in the same manner as presently followed in calling the Eads Agent; that car requests would be forwarded to the System Car Dispatcher for movement by the local switch train; and that when loaded cars are ready to move, the shipper could give telephone information to the Sheridan Lake Agent for bill of lading and waybill preparation and also for switch crew instructions. For inbound movements, there will be advance notice to the customer from the Sheridan Lake Agent, and that delivery of inbound loads would be continued.

by usual switch crew handling with only minimum unloading delay because freight billings are made by mail to customers with established credit ratings. Information on tracing cars or damage claims would also be available through the Sheridan Lake Agent.

Regarding the Eads Station, Mr. Scherer explained the Western Union contract was not renewed in January 1968; that no express revenue was shown because handling is by the Agent on a commission basis with REA Express; and that, with regard to the requested closing, no estimate had been made of the expected savings other than the elimination of station expense, as shown on Exhibit 3, of \$9,003.92 which the major portion was the annual salary expense of \$6,678.33.

On behalf of protestants, testimony was offered by six witnesses who described their use of rail service or the resulting inconvenience to be caused by the station removal. Protestants' testimony was similar in nature and will only be generally summarized.

Don Briggs, Haswell, Colorado, Manager of the local elevator for Des Marteau Commission Company of Hutchinson, Kansas, disclosed that Haswell is 21 miles west of Eads on Colorado No. 96; that crops are irregular as shown by his past following yearly movements: 1964 - 174 cars; 1965 - 4 cars; 1966 - 117 cars (storage); 1967 - 63 cars; and an estimated 53 cars for 1968. After closing of the Haswell station, he was unable to utilize the bill of lading box placed at Haswell because of delays in picking up the bills; that satisfactory service was secured through the Eads Agent who came to Haswell for direct pickup and signing of the shipping papers. The witness expressed concern with his future needs when he must depend on the more distant Agents at Avondale (75 miles west), or at Sheridan Lake (48 miles east) from Haswell.

Don Koch, Eads, Colorado, Manager for past 18 years of the local elevators for Bartlett and Company of Hutchinson, Kansas, disclosed that his firm receives seeds, feeds, and fertilizer in bags and forwards grains, wheat, milo and sorghum. This witness had had no experience in using the

telephone for his railroad business because he goes to the depot to order his cars. At the depot, he receives information on train movements and possible arrival times in order to arrange labor for car cleaning, to place the grain doors and to load the cars. After the loading is completed he prepares a bill of lading and takes the same to the Agent for signing and then mails the bill to Hutchinson, Kansas. In order to use the Sheridan Lake service, as proposed, Mr. Koch complained that such mail handling would require three days time.

Mr. Koch confirmed that the regional crop production comes in cycles of good and bad years as shown by his records of yearly carloads forwarded: 1964 - 147 cars; 1965 - none; 1966 - 69 cars; 1967 - 42 cars. He disclosed that over the past three years he has been handling an increased amount of chemical fertilizers as a result of greater irrigation use following the new drilling of wells in the area.

O. H. Beaver, Scott City, Kansas, Assistant Manager for Garvey Elevators, disclosed that his firm operates grain elevators at Arlington, Haswell and Brandon. His business from Arlington and Haswell is now handled at the Eads Station because of the closing of the Haswell office. The Brandon business is handled through the Sheridan Lake Station at seven miles to the east from Brandon. In 1967, he shipped 46 cars from the three locations.

Mr. Beaver emphasized that the use of proposed railroad box is subject to delays in crew handling and that mail service is too slow. He needs an agent in order to expedite the signing of his shipping documents because the same are used as collateral to secure early payment for the car-load cargo.

Relative to the Sheridan Lake service, Mr. Beaver stated that the agent time at that point was divided between Towner and Sheridan Lake.

Jim Richardson, Sheridan Lake, Colorado, local Manager for Des Marteau Commission Company, stated that his firm forwarded 60 cars in 1967; that the part-time Agent service between Sheridan Lake and Towner is

satisfactory although he has had occasional problems because the Agent is on duty at Sheridan Lake only from 8:30 A.M. to 12 Noon, and, as a consequence thereof, he must complete his loadings in the morning in order to get the bill of lading signed on the day of loading.

Lloyd Barry, Eads, Colorado, Manager of Eads Consumer Supply Company, described his operation as being limited to a Farmer Co-op Group for the distribution of gasoline, tires, fertilizer, farm chemicals and salt. He stated his railroad use is for receipt of carload shipments only which yearly amounted to: 1965 - 4 cars; 1966 - 9 cars; 1967 - 6 cars. He was concerned about the future handling of damage claims for broken sacks of fertilizer when there would be no agent on duty. He stated that phosphate and nitrate materials come in 50 pound bags; and that he had three claims in 1967 consisting of damaged sacks that were later sold to his customers at a reduced price.

Jack Gardner, Eads, Colorado, Editor of the Kiowa County Weekly Press, stated he is the Town Clerk for said Town; that the Town of Eads received one carload of pipe in 1965 and another in 1967; that his use of the railroad is limited to the receipt of L.C.L. shipments through the station; and that, in his opinion, the removal of the Agent would cause much inconvenience to the patrons and would result in further economic loss to the Town. He disclosed that the years of 1963, 1964, 1965 were quite dry with only limited crop production; that there was, however, a gain in 1966; that currently additional land is coming out of the soil bank; that there is greater acreage now under cultivation; and that gains for the Town are noted in employment and in the sales of gasoline and fertilizer.

Witness Gardner further disclosed that wheat is the principal crop; that due to increased production the price of the same is now quite low; and that he is not a shipper. He estimated a population of 1,000 for Eads and about 3,000 persons in the trade area between Sheridan Lake (27 miles east) and Arlington (35 miles west) and between Kit Carson (20 miles north) and Kiowa County line (15 miles south); and that Avondale, at nearly 100 miles west, is entirely out of the area.

The following exhibits, sponsored by the Protestants, were received into evidence:

Exhibit No. 6 - Booklet -- by Colorado Department of Agriculture.  
Colorado Agricultural Statistics  
1967 Preliminary  
1966 Final.

Exhibit No. 7 - Statement of number of cars shipped and received through the Eads Agency Station for Year 1966.  
Showing: Origin, destination, commodity, freight charges and Eads Station revenues for:  
69 Waybills Forwarded - (66 Local, 3 Interline)  
23 Waybills Received - ( 5 Local, 18 Interline)  
(Totals are in agreement with amounts shown on Exhibit No. 1).

The Commission's summation of the exhibit data is set forth as follows:

		<u>EADS STATION</u>		
<u>Item</u>		<u>1965</u>	<u>1966</u>	<u>1967</u>
Carloads: Forwarded		11	69	73
Received		<u>14</u>	<u>23</u>	<u>22</u>
Total Carloads		25	92	95
Revenues: (Local - 50%; Interline - 100%)				
Carloads Forwarded		\$1,264	\$18,085	\$23,984
Carloads Received		2,678	4,812	4,324
L.C.L. and Other Received		180	245	293
Passenger and Miscellaneous		<u>1,682</u>	<u>156</u>	<u>--</u>
Total Revenues		\$5,804	\$23,298	\$28,601
Expenses:				
Operating Ratio for Expense		76.51%	78.17%	78.53%
Amount Operating Expense		\$4,441	\$18,212	\$22,460
Station Expense		<u>8,341</u>	<u>8,854</u>	<u>9,004</u>
Total Expenses		\$12,782	\$27,066	\$31,464
Remainder: Gain (Loss)				
Revenues Less Expenses		(\$6,978)	(\$3,768)	(\$2,863)

In addition to the Eads Station business, as shown above, the business of the Haswell Station (21 miles west) and the Arlington Siding

was also handled by the Eads Agent during the year of 1967 as follows, to-wit:

<u>Name</u>	<u>1967</u>	
Arlington Siding:		
Carloads Forwarded	2	
Freight Revenue		\$ 498
Haswell Station:		
Carloads Forwarded	70	
Carloads Received	1	
Freight Revenue		<u>\$22,387</u>
Totals	Carloads - 73	\$22,885

When the Haswell Station was closed on December 30, 1966, the business was then handled through Eads as an efficiency move, and to provide a reasonably close substitute agency service in accordance with the Order of this Commission. After allowing for operating expense to handle the above freight during 1967, the effect of added business through the Eads Station is to show a Station gain of \$2,158 (Exhibit 5) rather than the loss of \$2,863 as shown for the Eads Station alone (Exhibit 4).

With respect to meeting the test of public convenience and necessity, it is to be noted, from the evidence, that, in addition to being the County Seat of Kiowa County, the location of the Town of Eads is at the junction of U.S. Highway No. 287 and Colorado No. 96 and is considered as an important crossroad in serving the local economy of the Missouri Pacific trade area extending some 150 miles east from Pueblo to the Kansas state line.

This crossroad location becomes more apparent when Applicant's proposal is considered to close the Eads Station and handle the local business through Avondale at 96 miles west, or through Sheridan Lake at 27 miles east. Further, closing of the Haswell Station involved Eads (21 miles east) as an alternate station, so that the new handling for Haswell business would involve Avondale at 75 miles west or Sheridan Lake at 48 miles to the east.

It is further noted that Sheridan Lake service is offered on a part-time basis with the Towner station at 12 miles farther east, hence, effectiveness of Sheridan Lake service to the public and to new patrons in



the Eads area would be questionable.

From the standpoint of operating revenues and expenses, the Applicant's evidence shows that, with marginal farm production of 1967, and after payment of both the operating and station expenses, there was a small gain for the Eads Station through the combination of services and business of the Arlington-Haswell-Eads area.

### FINDINGS

#### 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 volume of rail traffic at Eads, Colorado, is variable due to adverse effects on wheat production resulting from cyclical variations of drouth and rainfall.

That exhibit data discloses and establishes a cycle of recovery at the East Station as follows:

<u>Year</u>	<u>Carloads</u>	<u>Net Loss</u>
1965	25	\$6,978
1966	92	3,768
1967	95	2,863

That, by an efficient extension of present Eads Agency services, it was possible to also handle the 1967 "Harvest Period" needs of the Haswell Station consisting of a marginal volume of 73 cars; and to thereby provide a net gain of \$2,158 for the Eads Agency.

That, upon consideration of the level of agency service now provided by Applicant in this remote area of limited transportation and mail facilities, it does not appear feasible or proper to make a further service reduction that would require Eads area patrons to travel 96 miles west to Avondale or to go 27 miles east to the part-time office of Sheridan Lake in order to transact railroad business.

That public convenience and necessity require the continuation of the Agency Service of Missouri Pacific Railroad Company at Eads, Colorado.

That it will be in the public interest to deny the herein application as hereafter provided and ordered.

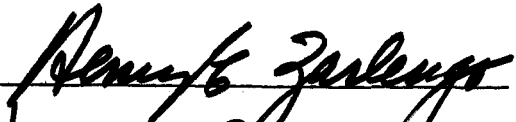
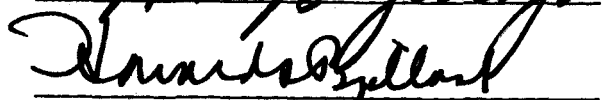

O R D E R

THE COMMISSION ORDERS:

That the application of Missouri Pacific Railroad Company to close its Agency at Eads, Colorado, be, and is hereby, denied.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.

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(Decision No. 72497)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF HAROLD T. MOSS AND LENORA R. MOSS, FOR AUTHORITY TO TRANSFER ALL THE COMMON CAPITAL STOCK IN AND TO AURORA MOVING AND STORAGE CO., INC., RECORD OWNER OF PUC NO. 2241 AND PUC NO. 2241-I TO HARRY BERMAN AND V. E. CARLSON, JR.	) ) ) ) ) ) )	<u>APPLICATION NO. 23514-Stock Transfer</u>
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January 31, 1969  
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STATEMENT AND FINDINGS OF FACT

THE COMMISSION STATES AND FINDS:

On November 12, 1968, the above-entitled application was filed seeking authority to transfer all the common capital stock in and to Aurora Moving and Storage Co., Inc. That said application was set for hearing on January 16, 1969, and reset for hearing on February 18, 1969, at 10:00 A.M., at Denver, Colorado; on January 13, 1969, a Motion was filed with the Commission to vacate the hearing and dismiss said application, pursuant to which the Commission entered Decision No. 72424 on January 16, 1969, vacating said hearing and dismissing the application; on January 22, 1969, six days thereafter, a motion was filed to reset the application for hearing on February 18, 1969, at 10:00 A.M.; or as soon thereafter as possible; that it has been represented to the Commission that through inadvertence the motion to vacate and dismiss was intended to be a motion for vacating the hearing only; Notice of Hearing of said application was given to all interested persons and no protests to said transfer have been filed as required; under the circumstances, the Commission feels that it would be in the public interest to amend nunc pro tunc its Order of January 16, 1969, dismissing the application and reinstating the same, and that said application be set to be heard on February 18, 1969, at 10:00 A.M., at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

O R D E R

THE COMMISSION ORDERS:

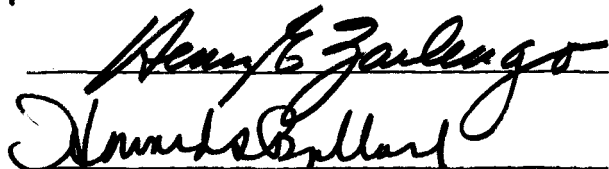
That Decision No. 72424, dated January 16, 1969, be, and the same hereby is, amended nunc pro tunc by deleting the following paragraph on page 2 thereof:

"That Application No. 23514-Stock Transfer be, and the same hereby is, dismissed."

That Application No. 23514-Stock Transfer be, and hereby is, reinstated.

That said application be, and hereby is, reset for hearing before the Commission at 10:00 A.M., on February 18, 1969, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER EDWIN R. LUNDBORG  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 31st day of January, 1969.

gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

EPHRAIM FREIGHTWAYS, INC. 1385 UMATILLA STREET DENVER, COLORADO,	)	
	)	
Complainant,	)	
vs.	)	
RIO GRANDE MOTOR WAY, INC. BOX 5628, TERMINAL ANNEX DENVER, COLORADO,	)	
	)	
Respondent.	)	

CASE NO. 5369

-----  
January 31, 1969  
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STATEMENT AND FINDINGS OF FACT

THE COMMISSION STATES AND FINDS:

That on June 24, 1968, a formal complaint was filed with the Commission by the Complainant, Ephraim Freightways, Inc. against the Respondent, Rio Grande Motor Way, Inc., alleging violations by the latter of its authority pursuant to which on June 26, 1968, an Order to Satisfy or Answer directed to the Respondent was issued by the Commission; that on December 23, 1968, the Respondent filed a "Motion to Strike Complaint" and on December 30, 1968, the Complainant filed a "Motion to Amend," together with an "Affidavit"; and, that on January 16, 1969, the Complainant filed with the Commission a "Motion to Authorize Filing of Amended Complaint," together with "Amended Complaint."

The Commission having carefully considered, and being fully advised in, said matters finds that the "Motion to Strike Complaint," filed by the Respondent and the "Motion to Amend," filed by the Complainant should be denied, and that the "Motion to Authorize Filing of Amended Complaint," filed by the Complainant should be granted.

O R D E R

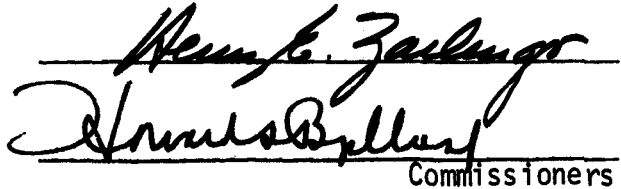
THE COMMISSION ORDERS:

That "Motion to Strike Complaint," of Respondent and "Motion to Amend," of Complainant, be, and the same hereby are, denied.

That "Motion to Authorize Filing of Amended Complaint," filed by the Complainant herein be, and the same hereby is, granted.

That the Respondent be, and hereby is, granted a period of thirty (30) days from the day and date hereof to satisfy or answer the Amended Complaint in the above-entitled matter.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER EDWIN R. LUNDBORG  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 31st day of January, 1969.  
gf

(Decision No. 72499)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FOREST C. LILLIE, EXECUTOR OF THE )  
ESTATE OF WILFORD E. LILLIE, DECEASED, )  
DOING BUSINESS AS "LILLIE TRANSFER AND )  
MOVING COMPANY," 1903 SOUTH CEDAR STREET, )  
COLORADO SPRINGS, COLORADO, FOR AUTHORITY )  
TO TRANSFER PUC NO. 3400 TO WESLEY N. )  
PETTIGREW, 405 SOUTH NEVADA AVENUE, )  
COLORADO SPRINGS, COLORADO. )

APPLICATION NO. 23460-Transfer

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February 3, 1969  
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Appearances: Kenuff D. Wolford, Esq., Denver,  
Colorado, for Applicants;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Weicker Transfer &  
Storage Co., Daniels Moving & Storage,  
AAA Transfer and Dalby Transfer &  
Storage, Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 18, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3400.

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.

During the course of the hearing, the admission of Exhibits 8 and 9 was objected to, which objection was taken under advisement and, at this time, for reasons hereinafter stated, said objection is overruled and Exhibits 8 and 9 are admitted into evidence."

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

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

1. During his lifetime, Wilford E. Lillie, doing business as "Lillie Transfer and Moving Company," operated Certificate of Authority PUC No. 3400.
2. Certificate of Authority PUC No. 3400 is set forth in two parts, the first by Decision No. 45376 which gives authority "to conduct a transfer moving and general cartage business within the city limits of Colorado Springs, Colorado" and secondly, by Decision No. 46855, this authority was extended to provide for "transportation of merchandise to or from the Pettigrew Auction Company in Colorado Springs, from and to points within ten (10) miles of Colorado Springs, Colorado.
3. At a hearing held in Colorado Springs, Colorado, on September 28, 1967, on an application to transfer this authority to the same Transferee in this proceeding, it was found as a matter of fact that "since acquiring this authority (PUC No. 3400) approximately ten (10) years ago, the Transferor (Wilford E. Lillie, doing business as "Lillie Transfer and Moving Company"), has not made any growth and has, in fact, abandoned and allowed to become dormant that part of PUC No. 3400 providing for 'conduct of a transfer moving and general cartage business within the city limits of Colorado Springs, Colorado'." It was further found as a matter of fact that the Transferor in that proceeding had not abandoned or allowed to become dormant that portion of PUC No. 3400 which allowed for the "transportation of merchandise to or from the Pettigrew Auction Company in Colorado Springs, from and to points within ten (10) miles of Colorado Springs, Colorado."
4. The Commission, by its Decision No. 70252, dated October 13, 1967, authorizing Wilford E. Lillie, doing business as "Lillie Transfer and Moving Company," to transfer all of his rights, title and interest in and to Certificate of Authority PUC No. 3400, to Wesley N. Pettigrew, doing business as "Lilly Transfer and Moving Company," ordered that the entire authority would henceforth be described as follows:



"transportation of merchandise to and from the Pettigrew Auction Company in Colorado Springs, Colorado, from and to points within a ten (10) mile radius of Colorado Springs, Colorado."

The Order of the Commission referred to contained the standard provisions and particularly the provision 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."

5. Subsequent to said Order and by Decision No. 70292, dated November 14, 1967, the Commission entered a Supplemental Order reciting its previous Decision No. 70252 referred to above and stating that counsel for Transferee had advised that there had been no transfer of the said Certificate as the terms of the contract were not met and that the parties do not desire to complete the transfer of the said authority. In this Supplemental Order, the Commission then stated and found that "Decision No. 70252, dated October 13, 1967, . . . should be set aside, that the records of the Commission show that Wilford E. Lillie, doing business as "Lillie Transfer and Moving Company," is the owner of said PUC No. 3400 and that the authority under said PUC No. 3400 shall be and remain as it was at the time of the filing of the Application No. 22747-Transfer." Said Supplemental Order then, in fact, restates Certificate of Authority PUC No. 3400 in its complete form and as it was stated prior to the hearing on transfer Application No. 22747 held in Colorado Springs, Colorado, on September 28, 1967, to-wit:

"Conduct of a transfer, moving and general cartage business within the city limits of Colorado Springs, Colorado."

"Transportation of merchandise to or from the Pettigrew Auction Company, in Colorado Springs, from and to points within ten (10) miles of Colorado Springs, Colorado."

6. In view of the above and foregoing Findings of Fact and irrespective of the "Findings of Fact and Commission Decision No. 70252 following the hearing in Colorado Springs, Colorado, on September 28, 1967, on Application No. 22747, at the time of filing this application (Application No. 23460-Transfer), the authority under PUC No. 3400 is and was as follows:

"Conduct of a transfer, moving and general cartage business within the city limits of Colorado Springs, Colorado."

"Transportation of merchandise to or from the Pettigrew Auction Company, in Colorado Springs, from and to points within ten (10) miles of Colorado Springs, Colorado."

7. Exhibits 7, 8 and 9, all of which are admitted into evidence, show that Certificate of Authority PUC No. 3400 has been continually operated in the past and is presently in good standing before the Commission. Further, said Exhibits specifically show that for the period of time covered by said Exhibits no part of said Certificate of Authority PUC No. 3400 has been abandoned.
8. Protestants presented no evidence that would prohibit or cause this transfer application to be denied other than matters pertaining to abandonment of at least a portion of the authority together with certain evidence pertaining to the employment of the Transferee by the Transferor, none of which is sufficient to interfere with or cause this application to be denied.
9. Wilford E. Lillie, the record owner of this authority, departed this life on July 2, 1968, and pursuant to Exhibit No. "1", LETTERS TESTAMENTARY were issued by the District Court, El Paso County, State of Colorado, to Forest C. Lillie, as Executor of the Estate. Subsequently thereto and under date of September 20, 1968, the District Court for the County of El Paso, State of Colorado, by its ORDER authorized and empowered said Executor to sell and transfer Certificate of Authority PUC No. 3400 to Wesley N. Pettigrew for the sum of Five Thousand (\$5,000.00) Dollars in accordance with the terms and conditions of the "Agreement of Purchase and Sale" dated August 22, 1968, which was admitted in this proceeding as Exhibit No. "3".
10. Transferee holds no previously granted authority from this Commission.
11. The consideration paid for the authority is fair and reasonable.
12. The Certificate is free and clear of any debts, encumbrances or obligations.
13. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
14. 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 the safety requirements of the Commission and has or will make adequate provision for insurance.
15. If this transfer is approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
16. 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. 3400 to Wesley N. Pettigrew, and that henceforth the full and complete authority under said PUC No. 3400 shall read as follows, to-wit:

"Transportation -- on call and demand -- of

(1) The conduct of a transfer and general cartage business within the city limits of Colorado Springs, Colorado.

(2) Merchandise

To or from the Pettigrew Auction Company in Colorado Springs, Colorado, from and to points within ten (10) miles of Colorado Springs, 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 of the Examiner, as hereinabove set forth and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

#### O R D E R

##### THE COMMISSION ORDERS:

That Forest C. Lillie, Executor of the Estate of Wilford E. Lillie, Deceased, doing business as "Lillie Transfer and Moving Company," Colorado Springs, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3400 to Wesley N. Pettigrew, Colorado Springs, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

Transportation -- on call and demand -- of

(1) General Commodities

Between all points within the City of Colorado Springs, State of Colorado.

(2) Merchandise


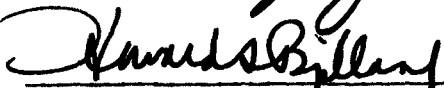
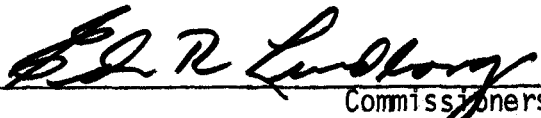
To or from only the Pettigrew Auction Company located at Colorado Springs, State of Colorado, from and to points within ten (10) miles of Colorado Springs, State of Colorado.

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

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: FREIGHT, ALL KINDS, HAVING )  
A PRIOR OR SUBSEQUENT MOVEMENT )  
BY AIR BETWEEN DENVER AND POINTS )  
IN COLORADO VIA COLORADO CARTAGE )  
COMPANY, INC. )

Investigation and Suspension  
Docket No. 624

-----  
February 3, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 22, 1969, Raymond L. Mauldin, President, Colorado Cartage Company, Inc., filed Local Freight Tariff No. 7, Colorado PUC No. 7, naming rates and rules for the transportation of freight, all kinds, having a prior or subsequent movement by air, between Denver, Colorado, and Brighton, Eastlake, Fort Lupton, Henderson, Hudson, Keenesburg, Prospect Valley, Roggen, Severance, Timnath, Wattenburg, Wellington and Windsor, Colorado, scheduled to become effective February 21, 1969.

Upon consideration of the said schedule, it may, if permitted to become effective, result in rates and charges which may be in violation of the Public Utilities Law. It is the opinion of the Commission that the operation of said schedule should be suspended and an investigation instituted into and concerning the lawfulness thereof.

O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings and Appendix "A" attached hereto, be, and they hereby are, made a part hereof.
2. That it shall enter upon a hearing concerning the lawfulness of the rates, rules and provisions published in Colorado Cartage Company, Inc., Freight Tariff No. 7, Colorado PUC No. 7.

3. That the operation of said schedule be, and it hereby is, suspended and the use thereof deferred to and including June 3, 1969, unless otherwise ordered by the Commission.

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

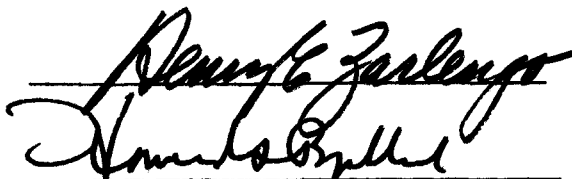
5. That neither the schedule hereby suspended, nor those sought to be altered thereby, shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

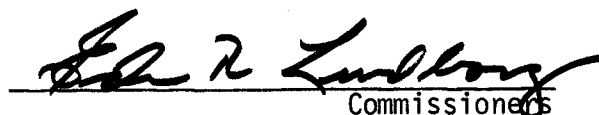
6. That a copy of this order shall be filed with the schedule in the office of the Commission, and that a copy thereof be served upon Raymond L. Mauldin, President, Colorado Cartage Company, Inc., P. O. Box 7176, Park Hill Station, Denver, Colorado 80207, and that said carrier is hereby made a respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to herein.

7. That fourteen (14) days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which respondent intends to introduce in evidence in support of its case.

8. That this Investigation and Suspension Docket No. 624 be, and the same hereby is, set for hearing before the Commission on the 7th day of March, 1969, 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

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioner

Dated at Denver, Colorado, this  
3rd day of February, 1969. av

APPENDIX "A"

Decision No. 72500, Investigation and Suspension No. 624, February 3, 1969

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Original Title Page

Colorado PUC No. 7

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COLORADO CARTAGE COMPANY, INC.

(Certificates)  
(PUC 692 & I and PUC 2693 & I)

LOCAL TARIFF NO. 7

NAMING

R A T E S

AND

R U L E S

For the transportation of freight, all kinds, having a prior or subsequent movement by air, between Denver, Colorado and Brighton, Eastlake, Fort Lupton, Henderson, Hudson, Keenesburg, Prospect Valley, Roggen, Severance, Timnath, Wattenburg, Wellington, and Windsor, Colorado.

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Governed, except as otherwise provided, by the National Motor Freight Tariff Association, Inc., Agent, National Motor Freight Classification A-10, (West), MF-ICC 11, Colo. PUC 7 and American Trucking Associations, Inc., Agent, Motor Carriers' Explosives and Dangerous Articles Tariff 13, MF-ICC 14, Colo.PUC 11, supplements thereto, or successive issues thereof.

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ISSUED: January 22, 1969

EFFECTIVE: February 21, 1969

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ISSUED BY:  
Raymond L. Mauldin, President  
P. O. Box 7176, Park Hill Station  
Denver, Colorado 80207

- Title Page

Original Page No. 1	Colorado PUC No. 7
COLORADO CARTAGE COMPANY, INC. Local Tariff No. 7	
Item No.	RULES AND REGULATIONS
10	<u>COMPENSATION:</u> Nothing but money can be lawfully received or accepted in payment for transportation (Subject to the provisions of Section 17 (c) of the Public Utilities Act.)
20	<u>APPLICATION OF RATES TO INTERMEDIATE POINTS:</u> Rates named are to specific points and do not apply to intermediate points.
30	<u>IMPRACTICABLE OPERATIONS:</u> Nothing in this tariff shall be construed as making it binding on the part of the carrier to receive freight for destinations to which, on account of conditions of roads, it is impracticable to operate trucks, or to make deliveries at destination stations to which location, account conditions of streets or roadways, it is impracticable to operate trucks.
40	<u>INABILITY TO ACCOMPLISH DELIVERY:</u> If a shipment is once tendered for delivery at the billed address, between the hours of 7:00 a.m., and 5:30 p.m., and such delivery cannot be accomplished through no fault of the carrier, no further efforts will be made to effect delivery, except on request and at an additional charge of \$1.50 per hundred weight, minimum charge \$4.00. Should the carrier be unable to make delivery at the correct (if known) address, after the exercise of due diligence, and during reasonable business hours, notice of arrival and failure to make delivery shall be mailed at once to the consignee, and the property shall be stored at the cost of the consignee, consignor, or owner after free time in the carrier's depot has expired, without liability on part of the transportation carrier except that of warehouseman and subject to a lien for all transportation and other lawful charges. In the event a carrier is unable to deliver a collect-on-delivery shipment of perishable freight, shipper shall be notified immediately by telephone or telegraph, at his expense.
ISSUED: January 22, 1969	EFFECTIVE: February 21, 1969

ISSUED BY:  
 Raymond L. Mauldin, President  
 P. O. Box 1776, Park Hill Station  
 Denver, Colorado 80207



Original Page No. 2

Colorado PUC No. 7

COLORADO CARTAGE COMPANY, INC.  
Local Tariff No. 7

Item No.

RULES AND REGULATIONS

PROTECTION OF SHIPMENTS FROM DAMAGE BY HEAT OR COLD:

50

Commodities which, due to their perishable nature, require protection from heat or cold will be accepted and accorded such protection at the rates provided in this tariff without additional charge for such protection, subject to suitable equipment being available and provided that the shipper states specifically on the bill of lading that such protection is required. When such requirement is not shown on the bill of lading by the shipper, carrier will not be liable for loss or damage resulting from their failure to provide such protection.

REFUSED OR UNCLAIMED SHIPMENTS:

60

- (A) When shipments have been plainly marked with the consignor's name and address preceded by the word "from" are refused, notice shall be immediately sent to given consignor of refusal of shipment. Unclaimed shipments will be treated as refused after fifteen calendar days from expiration of free time.
- (B) Whenever refused or unclaimed shipments are placed in warehouse at carrier's option and are afterwards sold, transportation, storage, and other charges incidental to the transportation shall be paid out of the amount realized from sale.
- (C) Freight held 30 days account of inability of carrier to effect delivery will be sold for accrued charges.

SPECIAL SERVICE ON SATURDAY, SUNDAY, OR LEGAL HOLIDAY, OR AT UNUSUAL HOURS:

70

In the event the consignor or consignee requests that freight be delivered on Saturdays, Sundays, or Legal Holidays, or between the hours of 5:00 p.m. and 8:00 a.m. or on any day not scheduled for service, such delivery service will be performed and will be charged for at the following charges:

<u>Equipment</u>	<u>Per Hour</u>
Truck with rated capacity of 1/2 tons .....	\$6.49
Truck with rated capacity of 1 to 2 tons ..	8.12
Truck and Trailer combination .....	10.82
Tractor with Single or Tandem Axle	
Semi-Trailer .....	16.22
Minimum charge for any size equipment .....	29.20

ISSUED: JANUARY 22, 1969

EFFECTIVE: February 21, 1969

ISSUED BY:  
Raymond L. Mauldin, President  
P. O. Box 1776, Park Hill Station  
Denver, Colorado 80207

Original Page No. 3

Colorado PUC No. 7

COLORADO CARTAGE COMPANY, INC.  
Local Tariff No. 7

Item  
No.

RULES AND REGULATIONS

STORAGE:

80

- (A) Forty-eight hours free time will be allowed, which free time will be computed from the first 7:00 a.m., after arrival of shipment at destination (including Sundays and Holidays).
- (B) Shipments held on the premises of the carrier in excess of free time allowed when having been given or afforded the proper storage by the carrier, will be subject to the following storage charges per day, or on option of carrier may be sent to public warehouse. (See Note.)
- (C) A charge of 25¢ per 100 pounds will be made each day. In computing time Sundays and Legal Holidays (National, State and Municipal) will be included. Fractions of a day are to be considered as one day and fractions of a hundred pounds to be considered as one hundred pounds. Minimum charge \$1.00 per shipment.

NOTE: In addition to rate named for storage, a charge of \$1.00 per 100 pounds will be made for extra handling of a shipment sent to the public warehouse, minimum charge \$2.00 per shipment.

THROUGH SHIPMENTS:

90

One bill-of-lading will be issued from origin to destination to cover movement by both motor carrier and air carrier.

RELEASED VALUATION:

100

- (A) Charges in this tariff are based upon a released value not exceeding \$50.00 for any shipment of 100 pounds or less, or not exceeding 50¢ per pound for any shipment weighing in excess of 100 pounds.
- (B) Shipments having a value exceeding \$50.00 per 100 pounds or less, or exceeding 50¢ per pound for any shipment weighing in excess of 100 pounds, will be assessed 25¢ for each \$100.00 or fraction thereof, for excess value.
- (C) The bill-of-lading will have printed on the face thereof, in bold type, the released valuation if that valuation exceeds the limits set forth in paragraph (A) above.

ISSUED: JANUARY 22, 1969

EFFECTIVE: February 21, 1969

ISSUED BY:  
Raymond L. Mauldin, President  
P. O. Box 1776, Park Hill Station  
Denver, Colorado 80207

Original Page No. 4

Colorado PUC No. 7

COLORADO CARTAGE COMPANY, INC.  
Local Tariff No. 7

Item No.	Rates			Rate in Cents Per 100 pounds
COMMODITY	BETWEEN	AND	Rate in Cents Per 100 pounds	
110	Freight, all kinds	Denver, Colo.	Brighton, Colo. Eastlake Fort Lupton Henderson Hudson Keenesburg Prospect Valley Roggen Severance Timnath Wattenburg Wellington Windsor	\$1.50     \$4.00 Minimum Per Shipment

ISSUED: January 22, 1969

EFFECTIVE: February 21, 1969

ISSUED BY:  
Raymond L. Mauldin, President  
P. O. Box 1776, Park Hill Station  
Denver, Colorado 80207

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P.O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 360 AND PUC NO. 360-I TO )  
DON WARD, INC., 241 WEST 56TH AVENUE, )  
DENVER, COLORADO. )

APPLICATION NO. 23479-Transfer

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IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P.O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 848 TO DON WARD, INC., 241 )  
WEST 56TH AVENUE, DENVER, COLORADO. )

APPLICATION NO. 23480-Transfer

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IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P.O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 889 TO DON WARD, INC., 241 )  
WEST 56TH AVENUE, DENVER, COLORADO. )

APPLICATION NO. 23481-Transfer

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February 3, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Transferor;  
Peter J. Crouse, Esq., Denver,  
Colorado, for Transferee;  
Braucher and Walker, Esqs., Denver,  
Colorado, for Rio Grande Motor Way,  
Inc., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On October 22, 1968, the above entitled applications were filed requesting authority to transfer Certificates of Public Convenience and Necessity PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889.

After due and proper notice to all interested persons, firms or corporations, the applications were heard by Robert L. Pyle -- duly designated by the Commission as an Examiner for the purpose of conducting the hearing on said applications -- 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 protested by Rio Grande Motor Way, Inc., Denver, Colorado.

Matters which were considered by the Examiner, prior to the taking of evidence on the applications, have been submitted to the Commission in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

Motion by Applicant to consolidate Applications No. 23479, 23480 and 23481 was not objected to by Protestants and was granted. Motion to strike Protest 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

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

1. Transferor, Montezuma Truck Lines, Inc., is a Colorado corporation and is the owner of Certificates of Authority PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889. It neither owns nor operates any other authority issued by this Commission.
2. Transferee, Don Ward, Inc., is a Colorado corporation and presently owns and operates the following authorities:  
  
Certificates of Authority PUC No. 779, PUC No. 779-I, PUC No. 865, PUC No. 1816, PUC No. 2177, PUC No. 2177-I, PUC No. 3902, PUC No. 3240 and PUC No. 3240-I, and Permits No. A-509, B-1770, B-1770-I, B-5507, B-5529, B-5595 and B-4087.
3. Protestant, Rio Grande Motor Way, Inc., is the owner and operator of Certificate of Authority PUC No. 149, which provides certain operating rights similar to those being transferred.
4. The purpose of the protest was to attempt to show abandonment of portions of the authority being transferred as well as duplication among the authorities being transferred and their duplication with authority presently held by Transferee.

5. The authorities being transferred, namely, Certificates of Authority PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889, are fully set forth in Exhibits A, B and C, respectively, and are, therefore, not reiterated here.
6. The Colorado intrastate authorities held by Transferee are fully set forth in Exhibit F and are, therefore, not reiterated here.
7. There is some duplication among the three authorities being transferred as well as duplication with the authorities presently owned and operated by Transferee.
8. The authorities being transferred, Certificates of Authority PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889, should be clarified and redescribed as hereinafter set forth so as to eliminate any substantial duplication and to better clarify said authorities.
9. Inasmuch as the authorities presently held by Transferee do not duplicate the authorities being transferred to any material extent, no attempt should be made to redescribe these authorities in this proceeding.
10. The authorities which are the subjects of these transfer proceedings have been continually operated in the past and have not been abandoned and are presently in good standing with the Commission.
11. The parties have entered into an Agreement to transfer the Certificates of Authority PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 and pursuant to said Agreement, the consideration to be paid is fair and reasonable.
12. The authorities are presently free and clear of any debts, encumbrances or obligations. However, an encumbrance is to be placed upon the authorities, which encumbrance should be approved by the Commission upon the filing of proper documents.
13. Transferee has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
14. 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 the safety requirements of the Commission and has or will make adequate provision for insurance.
15. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
16. The transfers are 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 its right, title and interest in and

to PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 to Don Ward, Inc., and that henceforth the full and complete authority under said PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 shall read as follows, to-wit:

Certificate of Authority PUC No. 360 and PUC No. 360-I:

"Transportation -- on call and demand -- of

(1) Freight

Between all points within a fifty (50) mile radius of Cortez, Colorado, and between said points on the one hand and points in the State of Colorado on the other hand.

RESTRICTION:

- (a) Restricted against transporting household goods, office furniture, and equipment, Mercer description commodities as defined by I.C.C., 46 M.C.C., 845 74 M.C.C., 459, 543.
- (b) Restricted against transporting freight between points within the town of Cortez, Colorado, and between the towns of Cortez, Mancos, and Dolores, Colorado.
- (c) Restricted against performing transportation other than livestock and farm products in competition with scheduled line haul common carriers.

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."

Certificate of Authority PUC No. 848:

"Transportation -- on call and demand -- of

- (1) Farm products (including livestock), farm supplies, coal, sand and gravel, and road contractor's supplies.

Between all points within an area commencing at the Colorado-Utah-New Mexico-Arizona State Line; thence north along the Colorado-Utah State Line a distance of 81.5 miles; thence east 59 miles to a point; thence south 82.5 miles to the Colorado-New Mexico State Line; thence west along the Colorado-New Mexico State Line to point of beginning.

RESTRICTIONS:

- (a) Restricted against transporting commodities in competition with scheduled line haul carriers.
- (b) Restricted against service between points within the City of Cortez, Colorado."

Certificate of Authority PUC No. 889:

"Transportation -- on call and demand -- of

- (1) Livestock, road construction materials, contractor supplies, contractor's equipment.

Between all points within a thirty-five (35) mile radius of Pagosa Springs, Colorado, and between said points on the one hand and points in the State of Colorado on the other.

- (2) Farm products, farm supplies, coal, used furniture, household goods, and farm machinery.

Between all points within a thirty-five (35) mile radius of Pagosa Springs and between ranches in said area on the one hand and points in the State of Colorado lying east of a line drawn north and south of Pagosa Springs, Colorado, on the other.

- (3) Oil

From points in Denver, Colorado, to points within a thirty-five (35) mile radius of Pagosa Springs, Colorado."

AND, FURTHER,

That the Commission make and enter its Order approving the encumbrance to be placed on the authorities upon the filing of the proper documents.

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Montezuma Truck Lines, Inc., Durango, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificates of Public Convenience and Necessity PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 to Don Ward, Inc., Denver, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.



That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 360 and PUC No. 360-I shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) General commodities

Between all points within a fifty (50) mile radius of Cortez, Colorado, and between said points on the one hand and points in the State of Colorado on the other hand.

RESTRICTION:

- (a) Restricted against the transportation of household goods, office furniture and equipment, and Mercer description commodities as defined by the Interstate Commerce Commission in 46 M.C.C. 845; and 74 M.C.C. 459 and 543.
- (b) Restricted against the transportation of general commodities between points within the town of Cortez, Colorado, and between the following towns of the State of Colorado: Cortez, Mancos and Dolores.
- (c) Restricted against the transportation of commodities other than livestock and farm products when in competition with scheduled line haul common carriers.

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 henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 848 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

- (1) Farm products (including livestock), farm supplies, coal, sand and gravel, and road contractor's supplies.

Between all points within an area commencing at the Colorado-Utah-New Mexico-Arizona State Line; thence north along the Colorado-Utah State Line a distance of 81.5 miles; thence east 59 miles to a point; thence south 82.5 miles to the Colorado-New Mexico State Line; thence west along the Colorado-New Mexico State Line to point of beginning.

RESTRICTION:

- (a) Restricted against the rendering of any transportation service when in competition with scheduled line haul carriers.
- (b) No transportation service shall be rendered herein between points within the City of Cortez, State of Colorado.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 889 shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

- (1) Livestock, road construction materials, contractor supplies, contractor's equipment.

Between all points within a thirty-five (35) mile radius of Pagosa Springs, Colorado, and between said points on the one hand and points in the State of Colorado on the other.

- (2) Farm products, farm supplies, coal, used furniture, household goods, and farm machinery.

Between all points within a thirty-five (35) mile radius of Pagosa Springs and between ranches in said area on the one hand and points in the State of Colorado lying east of a line drawn north and south of Pagosa Springs, Colorado, on the other.

- (3) Oil

From points in Denver, Colorado, to points within a thirty-five (35) mile radius of Pagosa Springs, Colorado.

That, upon the filing of the necessary written instruments as required by the Uniform Commercial Code of the State of Colorado, the Commission will make and enter its Order authorizing the mortgaging of Certificates of Public Convenience and Necessity PUC No. 360, PUC No. 360-I, PUC No. 848 and PUC No. 889 in the manner as set forth in the Agreement of Purchase and Sale (Exhibit D) as made and entered into by and between the transferor and transferee herein.

That said transfers 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 the Order shall automatically revoke the authority herein granted to make the transfers, without further Order on the part of the Commission, unless such time shall

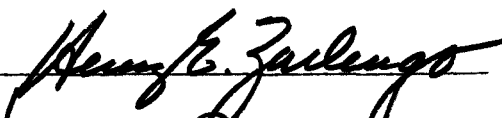
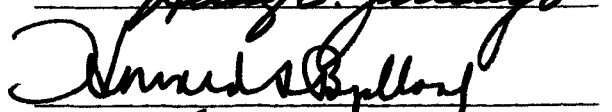

be extended by the Commission, upon proper application.

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 reports by transferor herein, covering the operations under said certificates up to the time of transfer of said certificates.

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 February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
CARL O. GIRLEY, DOING BUSINESS AS )  
"GIRLEY'S ASH & TRASH," )  
627 MAPLE STREET )  
COLORADO SPRINGS, COLORADO 80900 )  
----- )

PUC NO. 2834

-----  
February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

The Commission finds that the request should be granted.




O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of January 27, 1969.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 3rd day of February 1969  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
ART WALKER, DOING BUSINESS AS  
COLORADO SPRINGS-LIMON TRANSPORTATION  
CO., 580 L AVENUE, LIMON, COLORADO

PERMIT NO. B-6634

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February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 29, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin B. Zaslavsky*  
*Howard Bullant*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

JOHN W. BURBACH )  
2642 DEXTER STREET )  
DENVER, COLORADO 80207 )

PERMIT NO. B-5097

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February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 27, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Wm. E. Zarlengo*  
*Donald Byler*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )

WILLIE HARRIS  
2241 GILPIN STREET  
DENVER, COLORADO 80205

PERMIT NO. B-4639

-----  
February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 4, 1969 to and including July 24, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry E. Zerkow  
Donald B. Miller

Ed. R. Lusk  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GORDON PINYAN )  
3941 SO. ELATI STREET )  
ENGLEWOOD, COLORADO 80110 )

PERMIT NO. B-6954

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February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 5, 1969 to and including July 5, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Henry J. Zerkow  
Donald B. Bell  
Ed R. Lusk  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
HARRY MAUL  
4628 LEAF COURT  
DENVER, COLORADO 80216

PUC NO. 3710

-----  
February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 28, 1969 to and including July 28, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Harold E. Zaslavsky*  
*Donald B. Bell*  
*Ed R. Lindberg*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
JOHN A. WEILER, DOING BUSINESS AS  
"K & L SALES COMPANY"  
219 E. MORENO  
COLORADO SPRINGS, COLORADO 80903

PERMIT NO. B-7073

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February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 31, 1969 to and including July 31, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Galt*  
*Donald B. Miller*  
*Ed R. Lullay*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
MELVIN E. MOORE  
BOX 191  
WOODLAND PARK, COLORADO 80863

PERMIT NO. B-6991

February 3, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

ORDER

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 25, 1969 to and including July 25, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*James E. Zuluaga*  
*Howard B. Miller*  
*Ed R. Luby*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
GORDON PINYAN  
3941 SO. ELATI STREET  
ENGLEWOOD, COLORADO 80110

PERMIT NO. M-13774

-----  
February 3, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 5, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry B. Zurlungo*  
*Harold Bullard*  
*Ed R. Ludwig*  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
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 CONVENIENCE AND  
NECESSITY AUTHORIZING THE PURCHASE OF  
THE GAS DISTRIBUTION SYSTEM AND RELATED  
FACILITIES OF GAS FACILITIES, INC. IN  
THE TOWN OF VAIL AND IN THE COMMUNITIES  
OF WEST VAIL AND BIG HORN, ALL IN EAGLE  
COUNTY, COLORADO; AUTHORIZING THE AS-  
SIGNMENT OF THE CERTIFICATES OF CONVEN-  
IENCE AND NECESSITY OF SAID GAS FACILITIES,  
INC. WITH RESPECT TO SERVICE IN SAID TOWN  
AND COMMUNITIES, AND IN THE AREAS DELINE-  
ATED IN SAID CERTIFICATES; AND AUTHORIZING  
THE EXERCISE OF FRANCHISE RIGHTS FOR THE  
PURCHASE, STORAGE, TRANSMISSION AND DIS-  
TRIBUTION OF GASEOUS FUELS UNDER A  
FRANCHISE TO BE OBTAINED IN SAID TOWN OF  
VAIL.

APPLICATION NO. 23540

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IN THE MATTER OF THE APPLICATION OF  
GAS FACILITIES, INC., 1130 FIRST NATIONAL  
BANK BUILDING, DENVER, COLORADO, TO  
TRANSFER ITS EXISTING CERTIFICATES OF  
PUBLIC CONVENIENCE AND NECESSITY FOR THE  
DISTRIBUTION OF NATURAL GAS IN THE TOWN  
OF VAIL AND ADJACENT AREAS IN EAGLE  
COUNTY, COLORADO, TO PUBLIC SERVICE COM-  
PANY OF COLORADO, 550 - 15TH STREET,  
DENVER, COLORADO.

APPLICATION NO. 23548

-----  
February 3, 1969  
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ORDER TO REOPEN HEARING

On January 30, 1969, the Staff of the Commission filed a Petition to Reopen Hearing in the above-entitled applications for the purpose of receiving direct testimony with respect to certain late-filed exhibits, cross examination thereon and for the purpose of receiving such further and additional evidence as might properly be offered in connection therewith. On January 31, 1969, Consent to said petition was filed by the Public Service Company of Colorado and by Gas Facilities, Inc., the Applicants herein.

The Commission finds that the hearing should be reopened for the purposes and reasons stated in the petition.


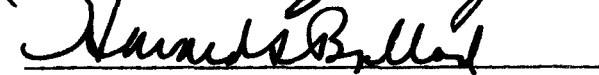
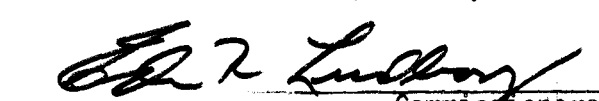
O R D E R

THE COMMISSION ORDERS:

Hearing in the above-entitled applications be reopened on February 4, 1969 at 8:45 A.M. in the Commission hearing room, 1845 Sherman Street, Denver, Colorado, for the purpose of receiving direct testimony with respect to certain late-filed exhibits, cross examination thereon and for the purpose of receiving such further and additional evidence as might properly be offered in connection therewith.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
gf

(Decision No. 72512 )

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
FREDDIE E. WITZEL )  
BURLINGTON, COLORADO 80807 )

PERMIT NO. B-6082  
SUPPLEMENTAL ORDER

-----  
February 3, 1969  
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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.


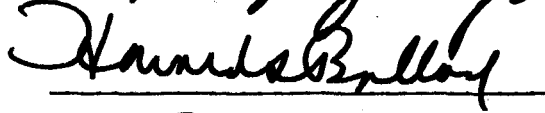
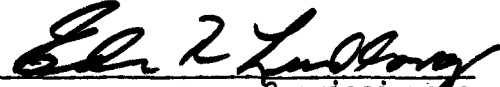
The Commission states and finds that said above-entitled authority should be cancelled and revoked as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled and revoked as of February 3, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
EDDIE L. STOKER & JEROLD L. STOKER )  
DOING BUSINESS AS "STOKER'S CUSTOM )  
HAY SERVICE," )  
59 SOUTH 11TH )  
BRIGHTON, COLORADO 80601 )

PERMIT NO. B-6363

-----  
February 3, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 29, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. Zuckerman*  
\_\_\_\_\_  
*Donald S. Bullard*  
\_\_\_\_\_  
*Ed 2. Lindsay*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 3rd day of February, 1969.  
1s





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 rates, charges and provisions as proposed in Item 91, 4th Revised Page No. 6, Colorado Motor Carriers' Association, Agent, Local Cartage Tariff No. 15, Colorado PUC No. 13.

3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including June 4, 1969, 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 the said schedule under the Public Utilities Law.

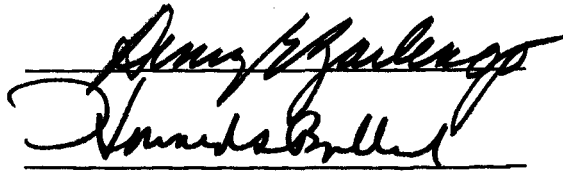
5. That neither the schedule hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

6. That a copy of this order shall be filed with the schedule in the office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, 4060 Elati Street, Denver, Colorado, and it is, and carriers parties thereto are hereby made respondents in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings herein.

7. That fourteen days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. That this Investigation and Suspension Docket No. 626 be, and the same hereby is, set for hearing before the Commission on the 8th day of April, 1969, at 10:00 o'clock a.m., in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_

  
\_\_\_\_\_ Commissioners

Dated at Denver, Colorado, this  
4th day of February, 1969. av

(Decision No. 72515)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BUD OWEN AND BILL OWEN, DOING BUSINESS )  
AS "OWEN LIVESTOCK CO.," 520 RANCHITOS )  
ROAD NORTHWEST, ALBUQUERQUE, NEW )  
MEXICO, FOR AUTHORITY TO TRANSFER )  
INTERSTATE OPERATING RIGHTS TO OWEN )  
LIVESTOCK CO., INC., 520 RANCHITOS )  
ROAD NORTHWEST, ALBUQUERQUE, NEW )  
MEXICO. )

PUC NO. 5204-I - Transfer

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-----  
February 5, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Bud Owen and Bill Owen, doing business as "Owen Livestock Co.," Albuquerque, New Mexico, were granted a certificate of public convenience and necessity, being PUC No. 5204-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holders now seek authority to transfer said PUC No. 5204-I to Owen Livestock Co., Inc., Albuquerque, New Mexico.

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


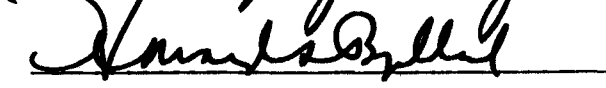
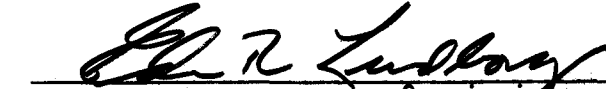
THE COMMISSION ORDERS:

That Bud Owen and Bill Owen, doing business as "Owen Livestock Co.," Albuquerque, New Mexico, be, and hereby are, authorized to transfer

all right, title and interest in and to PUC No. 5204-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Owen Livestock Co., Inc., Albuquerque, New Mexico, 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 5th day of February, 1969.  
gf

(Decision No. 72516)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CARL O. SAWYER, DOING BUSINESS AS )  
"SAWYER STOCKLINERS," ROUTE 1, )  
TORRINGTON, WYOMING, FOR AUTHORITY TO )  
TRANSFER INTERSTATE OPERATING RIGHTS )  
TO SAWYER STOCKLINERS INC., ROUTE 1, )  
TORRINGTON, WYOMING. )

PUC NO. 998-I - Transfer

-----  
February 5, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Carl O. Sawyer, doing business as "Sawyer Stockliners," Torrington, Wyoming, was granted a certificate of public convenience and necessity, being PUC No. 998-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holder now seeks authority to transfer said PUC No. 998-I to Sawyer Stockliners Inc., Torrington, 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

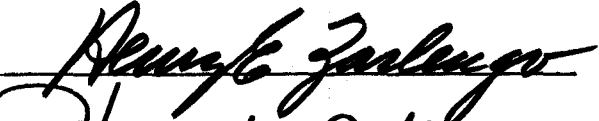
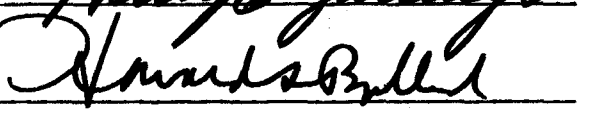
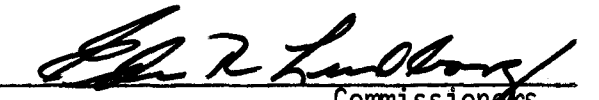
THE COMMISSION ORDERS:

That Carl O. Sawyer, doing business as "Sawyer Stockliners," Torrington, Wyoming, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 998-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference --

to Sawyer Stockliners Inc., Torrington, Wyoming, subject to encumbrances against said operating rights, if any, approved by the 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 5th day of February, 1969.  
gf

(Decision No. 72517)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BILL RODEN, DOING BUSINESS AS "BIG )  
SKY TIMBER CO.," 245 NORTH ASH, )  
CORTEZ, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE CAR- )  
RIER BY MOTOR VEHICLE FOR HIRE. )  
-----

APPLICATION NO. 23506-PP  
SUPPLEMENTAL ORDER

-----  
February 5, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 20, 1969, the Commission entered Decision No. 72433 in the above-entitled matter, dismissing Application No. 23506-PP for failure to prosecute.

On January 21, 1969, the Commission received a written communication from the Applicant herein, Bill Roden, doing business as "Big Sky Timber Co.," 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. 72433 should be vacated and set aside and that Application No. 23506-PP should be reset for hearing as set forth in the Order following.

O R D E R



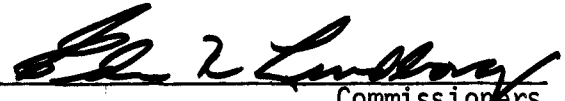
THE COMMISSION ORDERS:

That Decision No. 72433, dated January 20, 1969, be, and the same hereby is, vacated, set aside and held for naught.



That Application No. 23506-PP be, and the same hereby is,  
reset for hearing at 9:00 A.M., on February 27, 1969, at Columbine Room,  
La Plata County Court House, Durango, Colorado.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 5th day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C & E DISTRIBUTING CORP., 207 SOUTH )  
RAILROAD, LOVELAND, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO COLORADO STEEL & )  
WIRE CO., A COLORADO CORPORATION, 207 )  
SOUTH RAILROAD, LOVELAND, COLORADO. )

PUC NO. 4023-I - Transfer

-----  
February 5, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore C & E Distributing Corp., Loveland, Colorado, was granted a certificate of public convenience and necessity, being PUC No. 4023-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said Certificate-holder now seeks authority to transfer said PUC No. 4023-I to Colorado Steel & Wire Co., a Colorado corporation, Loveland, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

ORDER

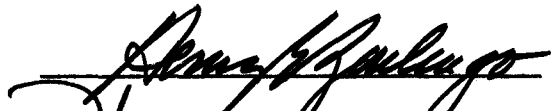

THE COMMISSION ORDERS:

That C & E Distributing Corp., Loveland, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 4023-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Colorado Steel & Wire Co., a Colorado

corporation, Loveland, 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 5th day of February, 1969.

s1

(Decision No. 72519)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RESPONDENT, BRISSON TRUCKING )  
COMPANY, INC., 4415 McINTYRE ROAD, )  
GOLDEN, COLORADO, UNDER PERMIT )  
NO. B-6285. )

CASE NO. 5385

-----  
February 5, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Brisson Trucking  
Company, Inc., Respondent;  
Robert L. Pyle, Esq., Denver,  
Colorado, for the Staff of the  
Commission.

PROCEDURE AND RECORD

On December 5, 1968 the Public Utilities Commission of the State of Colorado entered its Decision No. 72254 instituting a Show Cause proceeding against Brisson Trucking Company, Inc., the Respondent. The matter was set for hearing on January 6, 1969, was continued at the request of the attorney for the Respondent and was reset thereafter and called for hearing by Commissioner Howard S. Bjelland on Monday, February 3, 1969, at 10 o'clock a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

At that time the attorney for the Respondent moved to quash the Show Cause Order because of lack of particularity. The Presiding Commissioner thereupon directed the Staff of the Commission to file a Bill of Particulars, provided for an answer thereto by Respondent, and continued the hearing to a specific date. The following Order confirms the action of the Presiding Commissioner and sets forth the specific dates and times involved.

ORDER

THE COMMISSION ORDERS:

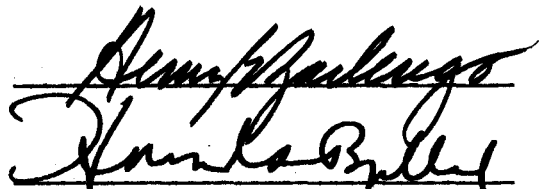

1. That the Staff of the Commission by its attorney in this proceeding, Robert L. Pyle, is directed to file a Bill of Particulars in this matter on or before Monday, February 10, 1969.

2. That the Respondent by its attorney, Leslie R. Kehl, is directed to file an Answer to such Bill of Particulars on or before February 14, 1969.

3. That the hearing in this matter is continued until Tuesday, February 18, 1969 at 9 o'clock a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

4. That the Subpoena To Testify issued to Wally Fletchinger by the Secretary of the Public Utilities Commission is continued and the said Wally Fletchinger shall again appear at the time of the continued hearing.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of February, 1969.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GEO. H. REESE AND JANICE C. REESE, )  
DOING BUSINESS AS "NATION-WIDE HORSE )  
VAN TRANSPORTATION," 929 WEST CHEYENNE )  
ROAD, COLORADO SPRINGS, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO GEO. H. REESE AND/OR )  
JANICE C. REESE, DOING BUSINESS AS )  
"INTER-STATE RANCHES," 929 WEST )  
CHEYENNE ROAD, COLORADO SPRINGS, )  
COLORADO. )

PUC NO. 5057-I - Transfer

-----  
February 5, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Geo. H. Reese and Janice C. Reese, doing business as "Nation-Wide Horse Van Transportation," Colorado Springs, Colorado, were granted a certificate of public convenience and necessity, being PUC No. 5057-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holders now seek authority to transfer said PUC No. 5057-I to Geo. H. Reese and/or Janice C. Reese, doing business as "Inter-State Ranches," Colorado Springs, Colorado.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

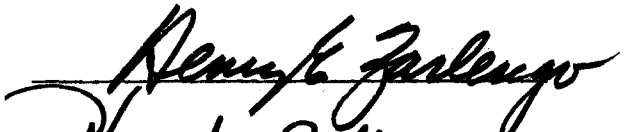
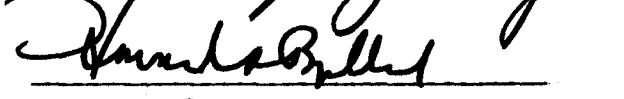
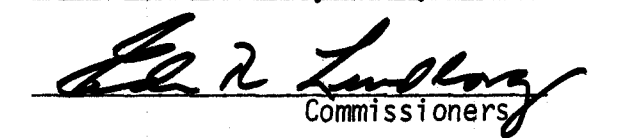
O R D E R

THE COMMISSION ORDERS:

That Geo. H. Reese and Janice C. Reese, doing business as "Nation-Wide Horse Van Transportation," Colorado Springs, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to PUC No. 5057-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Geo. H. Reese and/or Janice C. Reese, doing business as "Inter-State Ranches," Colorado Springs, 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 5th day of February, 1969.  
1s

(Decision No. 72521)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
JAMES JIMINEZ, 417 CYPRESS, PUEBLO,	)	
COLORADO, FOR AUTHORITY TO TRANSFER	)	<u>APPLICATION NO. 23523-Transfer</u>
PUC NO. 3861 TO LUIS G. CHAVEZ, DOING	)	
BUSINESS AS "LUIE'S TRASH SERVICE,"	)	
ROUTE 2, BOX 513, PUEBLO, COLORADO.	)	
-----		

-----  
February 5, 1969  
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Appearances: John R. Naylor, Esq., Pueblo,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 11, 1968, the above-entitled application was filed requesting authority to transfer Certificate of Public Convenience and Necessity PUC No. 3861.

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

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

1. Transferor herein is the present owner and operator of PUC No. 3861, 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. Transferee's name is "Luis G. Chavez" instead of "Louis G. Chavez" and the records in this proceeding should be changed accordingly.
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. 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 the 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 authorizing Transferor to transfer all of his right, title and interest in and to PUC No. 3861 to Luis G. Chavez, doing business as "Luie's Trash Service," and that henceforth the full and complete authority under said PUC No. 3861 shall read as follows, to-wit:

"Transportation of

- (1) Ashes, trash, dirt and other refuse

From points within the City of Pueblo, Colorado and a five (5) mile radius thereof to designated and approved dumps and disposal sites within said area."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That James Jiminez, Pueblo, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3861 to Luis G. Chavez, doing business as "Luie's Trash Service," Pueblo, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3861 shall read and be as follows, to-wit:

Transportation of

Ashes, trash, dirt and other refuse


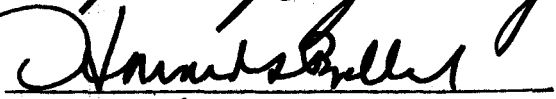
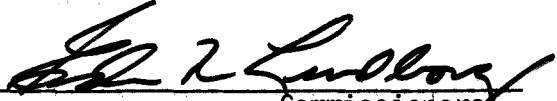
From points within the City of Pueblo, State of Colorado, and a five (5) mile radius thereof to designated and approved dumps and disposal sites within said area.

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

  
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Commissioners

Dated at Denver, Colorado,  
this 5th day of February, 1969.

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(Decision No. 72522)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF NORTH PARK TRANSPORTATION )  
COMPANY, 1600 ELIOT STREET, DENVER, )  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 1600. )  
-----

APPLICATION NO. 23451-Extension

SUPPLEMENTAL ORDER

-----  
February 5, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicant;  
Raymond B. Danks, Esq., Denver,  
Colorado, for Denver-Climax  
Truck Line, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1969, the Commission entered Decision No. 72418 authorizing extension of operations under PUC No. 1600.

It now appears that the Commission through inadvertence, in setting forth the extension of authority under said PUC No. 1600, omitted the words "in Clear Creek County."

In view of the above and foregoing, the Commission states and finds that Decision No. 72418 should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

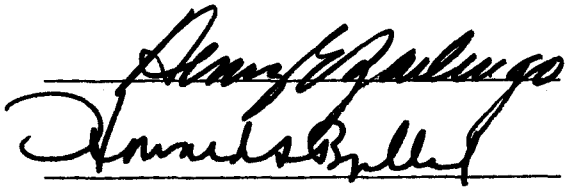

That Decision No. 72418, be, and the same hereby is, amended, nunc pro tunc, as of January 14, 1969, by striking therefrom the second paragraph of the Order therein contained and the entire extension authority under PUC No. 1600, appearing on page 4 of the Order thereof, and inserting

in lieu thereof the following:

"Transportation of freight, serving points in Clear Creek County located within five (5) miles of U.S. Highway 40 between Empire, Colorado, and the Grand-Clear Creek County line, as off-route points in connection with other authorized regular route service between Denver and Kremmling, Colorado, restricted against service to Empire and points located on U. S. Highway 6."

That, except as herein amended, Decision No. 72418 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioners

Dated at Denver, Colorado,  
this 5th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
C. E. CARROLL, BOX 127, SOUTH FORK, )  
COLORADO, FOR A CLASS "A" PERMIT TO )  
OPERATE AS A PRIVATE CARRIER BY MOTOR )  
VEHICLE FOR HIRE. )  
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APPLICATION NO. 23577-PP

-----  
February 5, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, Applicant herein sought a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of passengers, by bus, on schedule, from South Fork, Colorado, to Summittville, Colorado, and return, via U.S. Highway 160 and road known as Park Creek Road, for one customer only, The Cleveland Cliffs Iron Company of Summittville, Colorado, passengers to be restricted to employees and officials of The Cleveland Cliffs Iron Co.

The Commission has received a written communication from said Applicant requesting that the instant application be dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the Order following.

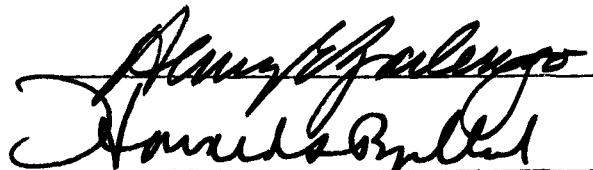
O R D E R

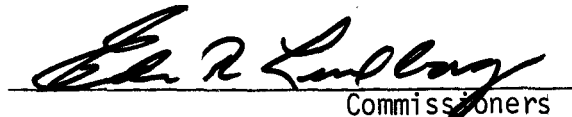
THE COMMISSION ORDERS:

That Application No. 23577-PP be, and the same hereby is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO



  
Commissioners

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

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: APPLE JUICE, EDIBLE SYRUP AND )  
VINEGAR, IN BULK, IN TANK VEHICLES, )  
BETWEEN POINTS ON THE WESTERN SLOPE )  
OF COLORADO AND DENVER, COLORADO )  
----- )

INVESTIGATION AND SUSPENSION  
Docket No. 621

-----  
February 4, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 18, 1968, the Commission entered Decision No. 72061 in the above-entitled matter, which decision, among other things, suspended the proposed rates and charges published in Items 30, 50, and 60, Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, to and including February 18, 1969.

Hearing on this matter was duly held on December 12, 1968, however, it now appears that the period of suspension will expire prior to the final order in this Investigation and Suspension Docket No. 621. Therefore, the Commission, on its own motion, will further suspend the operation of the rates and charges as set forth in Decision No. 72061, dated October 18, 1968, for an additional 90 days, or until May 19, 1969.

O R D E R

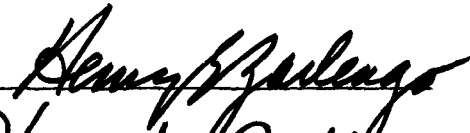
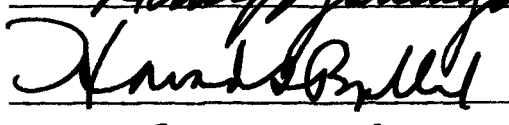

THE COMMISSION ORDERS:

1. That the Statement and Findings herein, be, and they are hereby, made a part hereof.
2. That the operation of said Schedule, as set forth in Decision No. 72061, dated October 18, 1968, be, and it is hereby, further suspended and the use thereof deferred to and including May 19, 1969, unless otherwise ordered by the Commission.

3. 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 F. M. Sanborn, President, Roth Truck Lines, Inc., Jefferson, Colorado 80456, and that the necessary suspension supplement shall be issued to Roth Truck Lines, Inc., Schedule of Minimum Rates No. 2, Colorado PUC No. 2.

4. That, except as herein amended, said Decision No. 72061 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
4th day of February, 1969.



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 CORP- )  
ORATION, 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 DETER- )  
MINATION 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  
SUPPLEMENTAL ORDER

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February 5, 1969  
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Appearances: Akolt, Shepherd & Dick, Esqs.,  
Denver, Colorado, by  
Luis D. Rovira, Esq., Denver, Colorado, and  
Denis G. Stack, Esq., Denver, Colorado,  
for Applicant;  
Howard J. Otis, Esq., Denver, Colorado, and  
James J. Keough, Esq., Arlington, Virginia,  
for the Department of Defense and  
General Services Administration,  
Protestants;  
Leonard M. Shinn, Esq., Washington, D. C., and  
David M. Lewis, Jr., Esq., Washington, D. C.,  
for Executive Agencies of the U.S. Government;  
H. Leroy Thurtell, Esq., Denver, Colorado,  
Thomas J. O'Reilly, Esq., Denver, Colorado, and  
Iris Bell, Esq., Denver, Colorado,  
for the General Services Administration,  
Protestant;  
Gorsuch, Kirgis, Campbell, Walker & Grover, Esqs.,  
Denver, Colorado, by  
Leonard M. Campbell, Esq., Denver, Colorado, and  
Nicholas Mueller, Esq., Denver, Colorado,  
for the Colorado Municipal League and the  
City and County of Denver, Protestants;  
Max P. Zall, Esq., Denver, Colorado, and  
Brian Goral, Esq., Denver, Colorado,  
for the City and County of Denver, Protestant;  
Charles Howe, Esq., Boulder, Colorado,  
for the Colorado Municipal League, Protestant;  
Sonheim, Whitworth & Helm, Esqs., Arvada,  
Colorado, for the City of Arvada and the  
Colorado Municipal League;  
John F. Edwards, Esq., Sterling, Colorado,  
for the City of Sterling;

Appearances continued:

Albert A. Riede, Denver, Colorado,  
for the Colorado-Wyoming Hotel Association;  
Frank Thompson, Denver, Colorado,  
for the American Hotel and Motel Association;  
Buron Keith Watson, Esq., Denver, Colorado,  
for the American Brief Company;  
Robert L. Pyle, Esq., Denver, Colorado,  
Robert Lee Kessler, Esq., Denver, Colorado, and  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 7, 1969, the Commission entered Decision No. 72385 in the above-entitled matter, Chairman Henry E. Zarlengo dissenting.

On January 27, 1969, Petitions for rehearing were filed with the Commission by The Mountain States Telephone and Telegraph Company and by the Colorado Municipal League and the City and County of Denver.

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

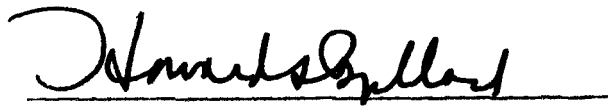

O R D E R

THE COMMISSION ORDERS:

That Petitions for Rehearing filed with the Commission by The Mountain States Telephone and Telegraph Company and by the Colorado Municipal League and the City and County of Denver, 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

CHAIRMAN HENRY E. ZARLENGO DISSENTING.

Dated at Denver, Colorado,  
this 5th day of February, 1969.  
gf

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent to the Supplemental Order by the majority denying rehearing in the following respects.

Rehearing should be held on all points and issues set out in the dissent to the majority Decision.

Rehearing should be had to reconsider the inconsistency in the majority Decision concerning the 1% inflationary factor upon which an increase in gross revenues of \$1,207,557 is arbitrarily authorized. In its Decision (p 27) the majority states:

"By the use of accelerated depreciation methods for tax purposes, which are optional under the Internal Revenue Code, Applicant could, therefore, not only offset the effects of inflation but probably reduce its costs beyond any allowance for attrition that might be suggested. . . Protestant's Exhibit A, which was prepared by Applicant, further shows that if accelerated depreciation would have been taken in 1967 only on those assets which were acquired and qualified during 1967, the tax benefits would amount to \$446,572. This benefit could be derived without the necessity of obtaining permission from the Internal Revenue Service to change accounting procedures. Furthermore, it should be noted that this figure arises from taking only one-half year depreciation on the assets acquired during the current year, and this figure would necessarily be approximately three times larger in the following year, as tax benefits are derived from assets added in two separate years, and would continue to grow in subsequent years as the process is continued."  
(underscoring supplied)

The tax benefits for 1967 in the amount of \$446,572 in terms of revenues amount to \$929,480. Such figures conclusively point to the fact that by use of accelerated depreciation on the part of the Applicant the said additional \$1,207,557, even assuming it ever be needed, could be handily offset. It is difficult to reconcile the finding of fact by the majority that use of accelerated depreciation will offset the effects of "normal" inflation with the finding of fact that the use of accelerated depreciation will not offset the effects of so-called "abnormal" inflation when the figures indicate the contrary.

The Commission is empowered to suspend its own Orders when denying an application for rehearing.

"115-6-14--Rehearing--Application--Basis for Review of Order. . . if the Commission denies said application for rehearing, then the original order shall become effective according to its terms, unless the Commission otherwise orders. . ."

All parties, the Applicant as well as the Protestants, have in their petitions for rehearing pointed to numerous alleged errors in the Commission's Decision. If the matter should be appealed to the Courts and if the Courts should modify the Decision of the Commission, which is likely, further costly hearings and substantial expenses, to be paid by the customers, will be involved to make the proper re-adjustments. The Commission should in the public interest order that its Decision should not become effective until such time that its Decision has become final by operation of law, or by Court action.

  
Chairman

Dated at Denver, Colorado,  
this 5th day of February, 1969.

ma

(Decision No. 72526)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
FOREST C. LILLIE, EXECUTOR OF THE )  
ESTATE OF WILFORD E. LILLIE, DECEASED, )  
DOING BUSINESS AS "LILLIE TRANSFER )  
AND MOVING COMPANY," 1903 SOUTH CEDAR )  
STREET, COLORADO SPRINGS, COLORADO, )  
FOR AUTHORITY TO TRANSFER PUC NO. )  
3400 TO WESLEY N. PETTIGREW, 405 SOUTH )  
NEVADA AVENUE, COLORADO SPRINGS, )  
COLORADO. )

APPLICATION NO. 23460-Transfer  
SUPPLEMENTAL ORDER

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-----  
February 6, 1969  
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Appearances: Kenuff D. Wolford, Esq., Denver,  
Colorado, for Applicants;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Weicker Transfer &  
Storage Co., Daniels Moving &  
Storage, AAA Transfer and Dalby  
Transfer & Storage, Inc.,  
Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 3, 1969, the Commission entered Decision No. 72499 in the above-styled application, authorizing Forest C. Lillie, Executor of the Estate of Wilford E. Lillie, Deceased, doing business as "Lillie Transfer and Moving Company," to transfer PUC No. 3400 to Wesley N. Pettigrew.

On February 5, 1969, the Commission received a written communication from Kenuff D. Wolford, Attorney for the Applicants, requesting that Wesley N. Pettigrew be authorized to do business under the trade name and style of "Lilly Transfer and Moving Company," in the conduct of operations under PUC No. 3400 as authorized by said Decision No. 72499.

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.

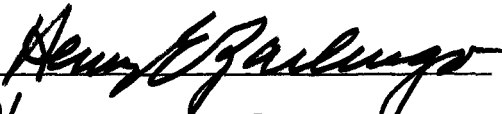
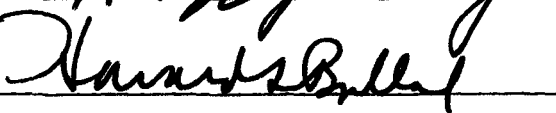

O R D E R

THE COMMISSION ORDERS:

That Wesley N. Pettigrew be, and hereby is, authorized to conduct operations under the trade name and style of Wesley N. Pettigrew, doing business as "Lilly Transfer and Moving Company," in the conduct of operations under PUC No. 3400 as authorized by Decision No. 72499, dated February 3, 1969.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado,  
this 6th day of February, 1969.  
Is

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GLEN E. SUTTON AND DOROTHY SUTTON, )  
DOING BUSINESS AS "SUTTON WATER )  
COMPANY," 4475 SOUTH LAFAYETTE STREET, )  
ENGLEWOOD, COLORADO, FOR DETERMINATION )  
OF JURISDICTION OVER THE SUTTON WATER )  
COMPANY AND FOR AN ORDER OF THE COM- )  
MISSION TO DETERMINE PROPER RATES FOR )  
THE OPERATION OF THE SUTTON WATER )  
COMPANY. )

APPLICATION NO. 23436

-----  
February 6, 1969  
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Appearances: Floyd B. Engeman, Esq., Aurora,  
Colorado, for Applicants;  
Hellerstein and Hellerstein by  
S. A. Hellerstein, Esq., Denver,  
Colorado, and  
David L. Erickson, Esq., Denver,  
Colorado, for Protestants Margolin;  
Yegge, Hall, Treece and Evans, Esqs., by  
Wesley H. Doan, Esq., Denver, Colorado,  
for Protestants Santopietro;  
Girts Krumins, Esq., Denver, Colorado,  
for the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

The above entitled application was filed by Glen E. Sutton and Dorothy Sutton, doing business as "Sutton Water Company," on October 8, 1968. By this application Applicants seek:

1. Determination by the Commission of question of jurisdiction over the Applicants as a public utility; and
2. If the Applicants are found to be a public utility under the jurisdiction of the Commission, then a determination by the Commission of proper rates to be charged by Applicants.

Protests to the application were filed by Sydney G. Margolin and Margaret H. Margolin and by Lawrence L. Santopietro and Helen L. Santopietro, by and through their respective attorneys. In their protests Protestants alleged that the Applicants are not a public utility and are not under the jurisdiction of the Commission.

After due and proper notice, the application was set for hearing on January 27, 1969 at 10 o'clock A.M. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, at which time and place the application was duly heard with respect to the jurisdictional question only, and at the conclusion of said hearing, the matter was taken under advisement.

The facts contained in the application were admitted by all parties, subject, however, to a reservation that this should not be construed to be an admission by Protestants that the District Court of Arapahoe County had the jurisdiction to determine the question of fact whether or not Applicants are a public utility as stated in its Declaratory Judgment, a copy of which is part of the application as Exhibit D.

One of the Applicants, Mr. Glen E. Sutton, further testified that the Applicants have facilities to render service to three properties, only two of which (both owned by Protestants herein) are now receiving domestic water service. Mr. Sutton further testified that such service has on occasion been intermittent because of freezing; that Applicant has no intention to supply water service to the public in general, and has never held out to do so, and that water service for the properties in question may be available from the Denver Water Board.

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

From the record herein, the Commission finds as fact that:

1. Glen E. Sutton and Dorothy Sutton, doing business as "Sutton Water Company," the Applicants herein, are the owners of a water system located on their property, 4475 South Lafayette Street, Arapahoe County, Colorado, which water system furnishes water to the Applicants and to the Protestants.

2. The Applicants furnish said water service on a contractual basis pursuant to certain conveyances as set forth in Exhibits C and D attached to the application herein, which exhibits are incorporated in these Findings by reference.



3. Applicants have not supplied, and do not intend to supply, water service to the public, and the operation of the Applicants described herein is not affected with the public interest.

4. Applicants are not a public utility as defined by law and the statutes of the State of Colorado.

5. The Commission has no jurisdiction over the Applicants herein doing business as "Sutton Water Company."

6. The Commission having no jurisdiction over the Applicants herein, the question of proper rates for water service rendered by Applicants becomes moot as far as the Commission is concerned and the application should be dismissed.


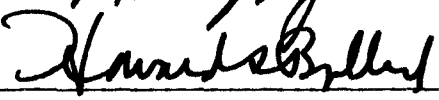
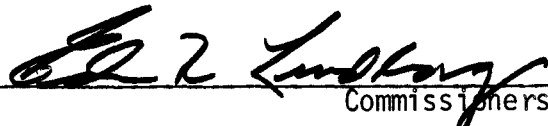
O R D E R

THE COMMISSION ORDERS:

That application herein be, and hereby is, dismissed.

This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 6th day of February, 1969.  
gf

(Decision No. 72528)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: INVESTIGATION AND SUSPENSION )  
OF PROPOSED CHANGES IN TARIFF )  
COLORADO P.U.C. NO. 5 OF THE )  
MOUNTAIN STATES TELEPHONE AND )  
TELEGRAPH COMPANY, 930 - 15TH )  
STREET, DENVER, COLORADO, FILED )  
PURSUANT TO THIS COMMISSION'S )  
DECISION NO. 72385, DATED )  
JANUARY 7, 1969. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 625

-----  
February 6, 1969  
-----

S T A T E M E N T

BY THE COMMISSION:

The Commission by Decision No. 72385, dated January 7, 1969, authorized Mountain States Telephone and Telegraph Company (Mountain States) to file a new tariff for its Colorado Intrastate Telephone Service which, when applied to the test year 1967 conditions, would produce additional gross annual revenues in the amount of \$2,133,957 to become effective on 30 days notice to the Commission.

The Commission also authorized Mountain States to file a Tariff Rider to provide for a charge of 3.07% of gross revenues in addition to all regularly filed rates or, in the alternative, file such new and separate tariffs providing for an adjustment clause, the application of which, under the conditions of the test year, would produce additional gross revenues of \$3,745,004. Either of the preceding could become effective on 5 days notice to the Commission and is to remain effective only so long as the present 10% federal income tax surcharge remains in effect.

Pursuant to Decision No. 72385, Mountain States did file on January 20, 1969, its Advice Letter No. 502 accompanied by approximately 435 new or revised tariff sheets to provide the above described revenues. These tariff sheets provide for changes in rates, rules and regulations in the following areas of the tariff:

1.	Local Exchange Tariff	
a.	Section 1 Local Exchange Service	37 sheets
b.	Section 2 Metropolitan Preferred Area Calling Service	4 sheets
2.	General Exchange Tariff	
a.	Section 1 General Index	11 sheets
b.	Section 3 Automatic Answering, Automatic Answering and Recording, and Automatic Announcement Service	1 sheet
c.	Section 5 Foreign Central Office Service	1 sheet
d.	Section 6 Private Branch Exchange Service	91 sheets
e.	Section 11 Extension Stations	1 sheet
f.	Section 12 Foreign Exchange Service	3 sheets
g.	Section 13 Initial Contract Periods Termination of Service	3 sheets
h.	Section 14 Mileage Charges	7 sheets
i.	Section 15 Service Connection, Move and Change Charges	14 sheets
j.	Section 17 Connection with Customer Provided Equipment and Facilities	12 sheets
k.	Section 19 Restoration of Service	1 sheet
l.	Section 20 General Regulations	1 sheet
m.	Section 22 Service Stations	2 sheets
n.	Section 24 Semi-Public Telephone Service	2 sheets
o.	Section 25 Emergency Reporting Telephone Service	2 sheets
p.	Section 26 Supplemental Equipment	10 sheets
q.	Section 29 Secretarial Bureau Service	17 sheets
r.	Section 30 Order Turrets and Automatic Call Distributing Systems	23 sheets
s.	Section 31 Explanation of Terms	1 sheet
t.	Section 32 Service Observing Equipment	1 sheet

u.	Section 33	Key Telephone Systems and Key Equipments (Cancel and Transfer to Section 36)	1 sheet
v.	Section 35	Special Systems and Services	4 sheets
w.	Section 36	Multiline Telephone Systems (Transfer from Section 33)	30 sheets
x.	Section 39	<u>Touch Tone</u> Calling Telephone Service	1 sheet
y.	Section 40	Airport Dial Telephone Service	3 sheets
z.	Section 41	Personal Signaling Service	2 sheets
3.		Long Distance Message Telecommunications Service Tariff	11 sheets
4.		Mobile Telephone Service Tariff	2 sheets
5.		Private Line Service Tariff	97 sheets
6.		Rural Radio Service Tariff	1 sheet
7.		Wide Area Telecommunications Service Tariff	38 sheets

The proposed effective date of the foregoing tariff sheets is March 4, 1969.

### F I N D I N G S

#### THE COMMISSION FINDS:

That because of the extensive changes in the Tariff and its possible impact on the public using telecommunications, and pursuant to CRS 1963 115-6-11, the Commission on its own initiative should suspend the effective date of the proposed Tariff filing and hold a hearing thereon concerning the propriety of the rates, rules and regulations proposed therein.

### O R D E R

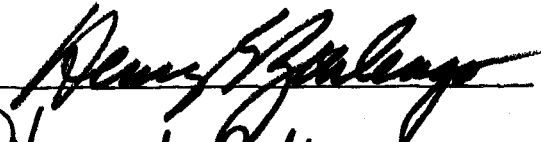
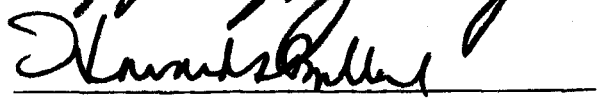

#### THE COMMISSION ORDERS:

That the effective date of March 4, 1969, of the proposed changes in Tariff, Colorado P.U.C. No. 5, by Mountain States, as set forth on the sheets accompanying Advice Letter No. 502 of January 20, 1969, and as summarized in the foregoing Statement, be, and hereby is, suspended for a period of one hundred twenty (120) days from March 4, 1969, or until July 2, 1969, unless otherwise ordered by the Commission.

That the proposed changes in Tariff, Colorado P.U.C. No. 5, as summarized in the Statement, be, and hereby are, set for hearing before the Commission at 10:00 A.M., on February 24, 1969, in the Commission Hearing Room, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

That a copy of this Order be filed with Advice Letter No. 502 and the accompanying Tariff Sheets relating to Mountain States Tariff, Colorado P.U.C. No. 5.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 6th day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Floyd L. Clark )  
863 S. Rareitan )  
Denver, Colo. 80223 )  
 )  
 )

AUTHORITY NO. 3716  
CASE NO. 1343-H-Ins

-----  
February 6, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 13, 1969 , 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

*Donald B. Bell*  
\_\_\_\_\_  
*Edw. J. Lubery*  
\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado, this  
6th day of February, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: ELIMINATION OF TWENTY-SEVEN )  
CENT RATE FROM PORTLAND, COLORADO )  
TO CLIMAX, COLORADO, APPLICABLE )  
TO CEMENT, IN BULK, IN TANK )  
VEHICLES )  
----- )

CASE NO. 1585

-----  
February 6, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1969, J. R. Smith, Chief of Tariff Bureau, Colorado Motor Carriers' Association, Agent, filed 23rd Revised Page No. 47 to its Motor Freight Tariff No. 14, Colorado PUC No. 13>(\*The Motor Truck Common Carriers' Association, Agent, Series) setting forth the elimination of a twenty-seven cent rate per 100 pounds applicable to the transportation of cement, in bulk, in tank trucks, minimum weight 40,000 pounds, from Portland, Colorado to Climax, Colorado, scheduled to become effective February 15, 1969.

The elimination results in an increased rate of 36 cents per 100 pounds subject to a minimum weight of 45,000 pounds.

J. R. Smith, in a letter dated January 16, 1969, to the Commission, represents that:

- "1. That reduced commodity rates, as this Commission is well aware, are created, generally, to recognize heavy movements of frequent regularity;
- "2. That the transportation of cement from Portland to Climax is almost exclusively by rail carrier;
- "3. That the motor vehicle carriers are used infrequently as standby, emergency carriers only;
- "4. That in 1968, Don Ward, Inc., transported a total of 60 truckloads of cement from Portland to Climax, the last of which moved on May 22nd;
- "5. That Eveready Freight Service, Inc., transported the following truckloads of cement from Portland to Climax in 1968;

January	48	July	3
February	22	August	0
March	42	September	0
April	40	October	1
May	17	November	1
June	0	December	4

"6. That this limited use of motor vehicle carriers does not justify the application of a reduced commodity rate, and

"7. That there are in effect distance scales of rates which can and will be used in assessing charges for future service by the motor vehicle carriers.

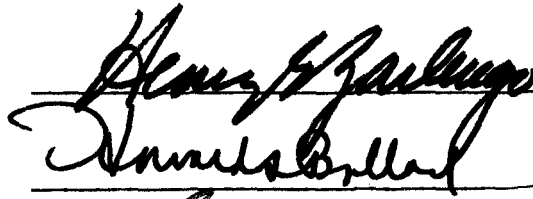
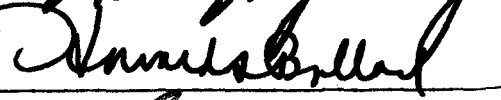
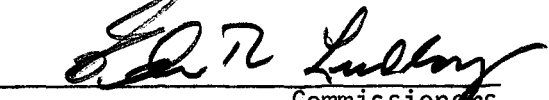
Since the Commission has received no protests in this matter as provided under the Rules of Practice and Procedure, Rule 18 C (1) (a) and (b), the Commission finds that the elimination should be permitted and allowed to become effective.

#### 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 changes in the rates and charges appearing in Item 480, Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado PUC No. 13, 23rd Revised Page No. 47, effective February 15, 1969, shall be permitted to become effective.
3. That this order shall become effective forthwith.
4. 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 February, 1969. av



(Decision No. 72531)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MARVIN W. MILES, 2901 2ND AVENUE, )  
PUEBLO, COLORADO, FOR AUTHORITY TO ) APPLICATION NO. 23522-PP-Transfer  
TRANSFER PERMIT NO. B-3966 TO )  
DELBERT F. JOHNSTON, 2601 GORE ROAD, )  
PUEBLO, COLORADO. )  
-----

-----  
February 7, 1969  
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Appearances: John R. Naylor, Esq., Pueblo,  
Colorado, for Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 4, 1968, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-3966.

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

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

1. Transferor is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-3966, 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. Transferee herein holds no previously granted authority from this Commission.
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 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. 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 the safety requirements of the Commission and has or will made 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 Permit No. B-3966 to Delbert F. Johnston, and that henceforth the full and complete authority under said Permit No. B-3966 shall read as follows:

"Transportation of

- (1) Farm produce, except livestock

From fields in Pueblo County to bins, sheds, and other storage points and loading places in Pueblo County, Colorado, Rocky Ford, Colorado, and Fowler, Colorado.

- (2) Coal

From mines in Fremont County to Pueblo and Colorado Springs, Colorado.

(3) Lime rock

From Beulah and Rye, Colorado, and points within a radius of twenty (20) miles south and west of Beulah and Rye, to railroad shipping point at Pueblo, Colorado.

(4) Lime rock, clay, and other materials necessary in the manufacture of brick and tile

Between points within a radius of seventy-five (75) miles of Pueblo, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Marvin W. Miles, Pueblo, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-3966 to Delbert F. Johnston, Pueblo, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-3966 shall read and be as follows, to-wit:

Transportation of

(1) Farm produce, except livestock

From fields in Pueblo County, State of Colorado, to bins, sheds, and other storage points and loading places in Pueblo County, State of Colorado, Rocky Ford, Colorado and Fowler, Colorado.

(2) Coal

From mines in Fremont County, State of Colorado, to Pueblo, Colorado and Colorado Springs, Colorado.

(3) Lime rock

From Beulah, Colorado and Rye, Colorado, and points within a radius of twenty (20) miles south and west of Beulah, Colorado and Rye, Colorado, to railroad shipping point at Pueblo, Colorado.

- (4) Lime rock, clay, and other materials necessary in the manufacture of brick and tile

Between points within a radius of seventy-five (75) miles of Pueblo, Colorado.

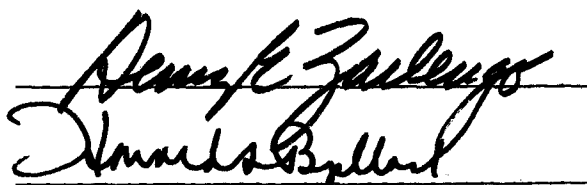
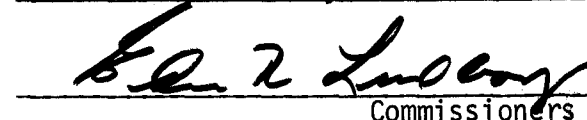
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned and that said parties have accepted, and in the future will comply with, the conditions and requirements of this 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 7th day of February, 1969.

ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF ) RICHARD N. JONES AND L. T. LANDRETH, ) DOING BUSINESS AS "LANDRETH & JONES ) MILLING CO.," P. O. BOX 187, WILEY, ) COLORADO, FOR AUTHORITY TO EXTEND ) OPERATIONS UNDER PERMIT NO. B-6486. ) -----	<u>APPLICATION NO. 23496-PP-Extension</u>
--	---

-----  
February 7, 1969  
-----

Appearances: Richard N. Jones, Wiley,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 13, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-6486 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 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

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

1. Applicants are a partnership doing business as "Landreth & Jones Milling Co."
2. Applicants presently hold authority from this Commission under Permit No. B-6486, which reads as follows:  
  
"Transportation of alfalfa hay meal, in bulk, grain and ensilage, from point to point within a radius of fifty miles of Wiley, Colorado."
3. The authority to which extension is hereby sought, Permit No. B-6486, has been continually operated in the past and is presently in good standing with the Commission.
4. By this application, Applicants seek to extend the authority under Permit No. B-6486 as follows:  
  
"From a radius of fifty (50) miles of Wiley, Colorado, to a radius of sixty (60) miles of Wiley, Colorado."  
  
No extension in commodity is sought.
5. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicants.
6. Applicants have sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
7. 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.
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, Applicants will enter into special carriage contracts with customers to perform services thereunder.
10. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicants to extend operations under Permit No. B-6486 to include the following:

"From a radius of fifty (50) miles of Wiley, Colorado, to a radius of sixty (60) miles of Wiley, Colorado."

That henceforth the entire authority under Permit No. B-6486 shall be as follows:

"Transportation of

Alfalfa hay meal, in bulk, grain and ensilage

From point to point within a radius of sixty (60) miles of Wiley, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

#### ORDER

##### THE COMMISSION ORDERS:

That Richard N. Jones and L. T. Landreth, doing business as "Landreth & Jones Milling Co.," Wiley, Colorado, be, and hereby are, authorized to extend operations under Private Carrier Permit No. B-6486 in the following manner, to-wit:

That the territorial authority as presently authorized and set forth under said Permit be extended from a radius of fifty (50) miles to a radius of sixty (60) miles of Wiley, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-6486 as extended shall read and be as follows, to-wit:

Transportation of

Alfalfa hay meal, in bulk, grain and ensilage

From point to point within a radius of sixty (60) miles of Wiley, Colorado.


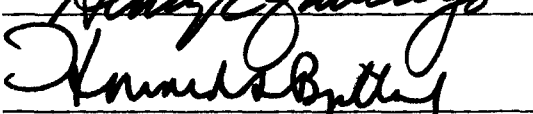
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners

Dated at Denver, Colorado,  
this 7th day of February, 1969.  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
GREEN BROTHERS OIL COMPANY, INC. )  
5335 Harrison Street )  
Denver, Colorado 80216 )

AUTHORITY NO. M 3513  
CASE NO. 3917-M-Ins.

-----  
February 10, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 28, 1969 , 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.

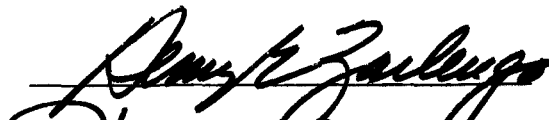
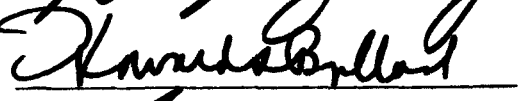

O R D E R

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  
10th day of February, 1969 .

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE GENERAL INVESTIGATION IN THE )  
MATTER OF SIGHTSEEING AND CHARTER )  
SERVICE COVERING SERVICES, AUTH- )  
ORITIES AND THE INTERPRETATION )  
THEREOF, RATES, AND EQUIPMENT FOR )  
TRANSPORTATION OF PASSENGERS, BY )  
SIGHTSEEING, LIMOUSINE, CHARTER, )  
AND SPECIAL BUS OPERATORS AND FOR )  
THE PURPOSE OF ADOPTING RULES AND )  
REGULATIONS THEREFOR. )

CASE NO. 5180

-----  
February 7, 1969  
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- Appearances: E. R. Lundborg, Esq., Denver, Colorado, for the Staff of the Commission;
- John R. Barry, Esq., Denver, Colorado, for Denver-Colorado Springs-Pueblo Motor Way, American Bus Lines, Inc., Continental Trailways, Inc., Transcontinental Bus System, Inc.;
- Hughes and Dorsey, Esqs., Denver, Colorado, and
- R. B. Danks, Esq., Denver, Colorado, for The Denver Tramway Corporation;
- David Butler, Esq., Denver, Colorado, for Colorado Transportation Company, Colorado Motorway, Inc., Denver-Boulder Bus Company;
- Walter M. Simon, Esq., Denver, Colorado, for Airport Limousine Service, Inc.;
- Horn, Anderson and Johnson, Esqs., Colorado Springs, Colorado, for Colorado Springs Transit Company;
- Wm. A. Baker, Esq., Colorado Springs, Colorado, for Pikes Peak Automobile Company;
- T. P. Williams, Denver, Colorado, for Denver Tramway Corporation;
- K. B. Charlesworth, Colorado Springs, Colorado, for Colburn Motor Tours, Inc.
- Harold L. Lesh, Glenwood Springs, Colorado, for Glenwood-Aspen Stages;
- J. L. Clapper, Leadville, Colorado, for Yellow Cab Company;
- Sam J. Quigley, Denver, Colorado, for Burke Taxicab Line, Inc.;

K. A. Howard, Denver, Colorado,  
for Greyhound Bus Lines;  
Ed W. Dundon, Denver, Colorado,  
for Checker Cab Company;  
Mr. Hanks, Denver, Colorado,  
for Masterson;  
Woodrow W. Pebini, Colorado  
Springs, Colorado, for Tarman Tours;  
E. L. Rowlett, Colorado Springs,  
Colorado, for R & P Scenic Tours;  
Carl Lind, Denver, Colorado, for  
Lind & Hill Scenic Colorado Tours;  
D. C. Koshland, Englewood, Colorado,  
for Suburban Transit Company;  
F. P. Finney, Colorado Springs,  
Colorado, for Finney Sightseeing.

#### PROCEDURE AND RECORD

Under date of July 13, 1961, the Commission entered its Decision No. 56824 in the above-entitled Case which, among other things, interpreted Private Carrier Permit No. B-277 to be for the:

"transportation of passengers by charter or special bus from and to the City of Greeley, to and from all points in the State".

The Commission further ordered that Colorado Motorway, Inc. cease and desist any transportation of passengers under its Private Carrier Permit No. B-277 unless the same shall originate or terminate within the City of Greeley.

This Case was subsequently ruled upon by the Supreme Court of the State of Colorado which reversed the above Decision of the Commission and, in accordance therewith, the District Court, In and For The City and County of Denver, State of Colorado, in Civil Action No. B-48816, entered its Order

"That the Public Utilities Commission of the State of Colorado vacate its Decision No. 56824, limiting transportation under Petitioner's Permit No. B-277 to transportation which originates or terminates in the City of Greeley."

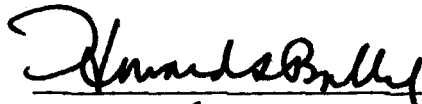

Accordingly, and in conformance with the above-mentioned Rulings and Order of Court, the Commission should enter an appropriate Order.

ORDER

THE COMMISSION ORDERS THAT:

1. Decision No. 56824, dated July 13, 1961, in Case No. 5180, be, and is hereby, vacated, set aside and held for naught.
2. The Commission shall retain such further jurisdiction in this matter as is proper and necessary.
3. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
Commissioners

CHAIRMAN HENRY E. ZARLENGO NECESSARILY  
ABSENT AND NOT PARTICIPATING.

Dated at Denver, Colorado,  
this 7th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: CEMENT, IN BAGS FROM )  
PORTLAND, COLORADO TO LAS )  
ANIMAS, COLORADO )  
----- )

INVESTIGATION AND SUSPENSION  
Docket No. 627

-----  
February 10, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 17, 1969, Colorado Motor Carriers' Association, Agent, by J. R. Smith, Chief of Tariff Bureau, filed 2nd Revised Page No. 47-A which added Item 489 to become effective February 17, 1969, as follows:

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

(\*The Motor Truck Common Carriers' Association, Agent, Series)

SECTION NO. 1  
COMMODITY RATES

Rates in Cents per 100 pounds

Item	Commodity	From	To	Rates
489	Cement, in bags, palletized, loaded by consignor and unloaded by consignee. Minimum weight 40,000 pounds	Portland, Colorado	Las Animas, Colorado	21

(R)

(Robert L. Harris, d/b/a  
Las Animas Transfer Co.)

/ denotes addition

(R) denotes reduction

The Commission is in receipt of a protest filed on behalf of The Weicker Transfer & Storage Co., by Hubert Work, Executive Vice President, requesting suspension of said schedule. Upon consideration of said schedule and protest thereto, the proposed schedule may, if permitted to become effective, result in rates and charges that may be

in violation of the Public Utilities Law. It is the opinion of the Commission that 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

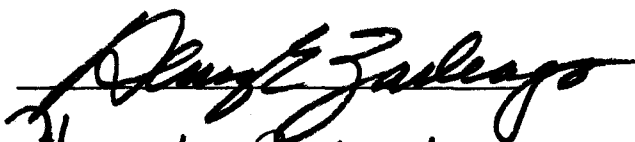
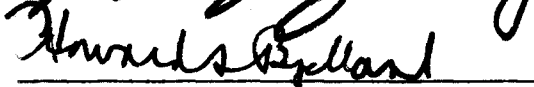

#### THE COMMISSION ORDERS:

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 rates, charges and provisions as proposed in Item 489, 2nd Revised Page No. 47-A, Colorado Motor Carriers' Association, Agent, Motor Freight Tariff No. 14, Colorado PUC No. 13>(\*The Motor Truck Common Carriers Association, Agent, Series).
3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including June 17, 1969, 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 the said schedule under the Public Utilities Law.
5. That neither the schedule 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 schedule in the office of the Commission and that a copy hereof be served upon Robert L. Harris d/b/a Las Animas Transfer Co., 242 Bent Avenue, Las Animas, Colorado 81054, and he is hereby made respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings herein.

7. That fourteen days prior to the hearing date herein, respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support of its case.

8. That this Investigation and Suspension Docket No. 627 be, and the same hereby is, set for hearing before the Commission on the 9th day of April, 1969, at 10:00 o'clock a.m., in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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\_\_\_\_\_  
  
Commissioners

Dated at Denver, Colorado, this  
10th day of February, 1969. av

(Decision No. 72536)

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. )

-----

-----  
February 11, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the herein-  
after stated corporations, partnerships, and/or persons as specifically set  
forth in the Order part of this Decision have paid to the Commission the  
required filing fee for authority to operate as a 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.



ORDER

THE COMMISSION ORDERS:

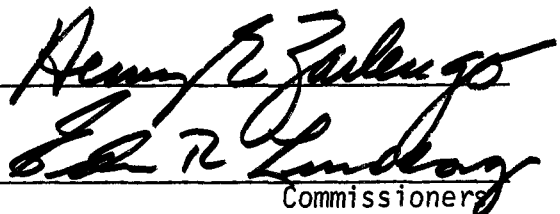
That all actions heretofore instituted by the following corporations, partnerships, and/or persons before this Commission to obtain authority to operate as a Commercial Carrier by Motor Vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed:

Byron A. & Claudette Lund, dba B & C Furniture & Upholstery Co.	5420 S. Lowell Blvd., Littleton, Colorado
Black Oil Company	34 W. 2nd North, Monticello, Utah 84535
Blevins, Tom W. & Fred T.	Box 45, Hayden, Colorado 81639
Construction Service & Supply, Inc.	P.O. Box 757, Mills, Wyoming 82644
Curtis, Claude A., dba Curtis Tire Exchange	P.O. Box 5124, Bossier City, La. 71010
Dorn, Harold W. & Strachan, J.D.	P.O. Box 283, Grand Junction, Colo. 81501
Montgomery, Ronald, dba Gene & Ron's Auto Wrecking	5550 W. 56th Ave., Arvada, Colo. 80002
Ellsworth, Orville	1032 Pagosa, Colo. Springs, Colo. 80905
Gonzales, Seferino & Aragon, Ines	4639 W. Cedar Ave., Denver, Colo. 80219
Gregerson, James, dba Gregerson Elevator Co.	Ute, Iowa 51060
Hardy Grain Company	Chickasha, Oklahoma 73118
Holt, Orvial F.	1105 N. Mirror, Amarillo, Texas 79107
Horst, Melvern	Wisner, Nebraska 68791
Jett, J.N. Hardware & Lumber Co.	P.O. Box 428, Springfield, Colo. 81073
Jordan, Grover C.	Pritchett, Colorado 81064
Kast Kon Krete Inc.	4002 N. Cascade, Colo. Springs, Colo.
Maloney, Jack	Chickasha, Oklahoma 73018
Winters, Bartley, dba Mel-Ray Nursery & Landscaping	1605 South Street Canon City, Colorado 81212
Nambe Mills, Inc.	R. 1, Box 202, Santa Fe, New Mexico
Perea, Carlos	Star Rt. 2, Box 344-C, Los Lunas, N.M.
Quinn, Dwane D.	1001 N. Bonfroy, Colo. Springs, Colo.
Schafer, Ray, dba Schafer Oil Company	P.O. Box 670, Syracuse, Kansas 67878
Trotter, Richard I. & Kemp, William T. dba Silver State Organics	4590 So. Sherman Street Englewood, Colorado 80110

Silverline, Inc., dba Silverline	2300 12th Avenue South Morrhead, Minnesota 56560
Moehring, Robert H., dba Sinton Dairy Distributor	2900 Templeton Gap Road Colorado Springs, Colo. 80907
Snyder, Richard	824 24th Road, Grand Junction, Colo.
Southland Corporation	2841 Pierce St., Dallas, Texas 75233
Stocks, A. M. & Fred, dba Timber Products	P.O. Box 46, La Sal, Utah 84530
Tucker, James Carl	P.O. Box 3074, Durango, Colo. 81301
Van Matre, Elgen, dba Van Matre Enterprises	855 - 22nd Road Grand Junction, Colorado 81501
Wilson, E. B.	P.O. Box 225, Rocky Ford, Colo. 81067
Wisconsin Electric Corporation	1810 S. Park, Madison, Wisconsin 53701

This Order shall become effective ten days from the 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,  
his 11th day of February, 1969.

1s

Amplified

(Decision No. 72537)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MEAT, FRESH, LOOSE, )  
FROM STERLING, COLORADO )  
TO DENVER, COLORADO )  
----- )

CASE NO. 1585

-----  
February 11, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 7, 1969, Colorado Motor Carriers' Association, as Agent, by J. R. Smith, Chief of Tariff Bureau, for and on behalf of North Eastern Motor Freight, Inc., filed Application No. 397, requesting that it be permitted to publish the following changes on less-than-statutory notice.

-----  
Local and Joint Class and Commodity Rates  
Tariff 12-B Colorado PUC No. 19  
Amend Item 2500 by adding the following:  
-----

Meat, fresh, loose, subject to loading by Consignor and unloading by consignee, from Sterling, Colorado to Denver, Colorado.

Minimum weight 30,000 lbs.	39¢ per 100 pounds
Minimum weight 35,000 lbs.	35¢ per 100 pounds
Minimum weight 41,000 lbs.	32¢ per 100 pounds
Minimum weight 82,000 lbs.	*26¢ per 100 pounds
(Subject to Item 240)	

\*Loaded in two trailers in one day by the shipper for unloading the following day by the consignee or consignees.

Note: When line haul transportation service is performed by North Eastern Motor Freight, Inc., distribution of fresh meats will be performed in Denver, at a rate of 78¢ per 100 pounds, subject to a minimum charge of \$2.10 per shipment.

Expires with May 1, 1969, unless sooner canceled, changed or extended.

In support of the application, J. R. Smith states:

"The tariff change proposed above is intended to replace similar provisions which expired on January 19, 1969, except that the rates subject to minimum weights of 30,000, 35,000 and 41,000 pounds have been increased approximately 10%. The rate of 26¢ per 100 pounds, subject to a minimum

weight of 82,000 pounds is a reduction and results in additional savings to the shipper.

"These rates and charges are the result of negotiations between the shippers and the carrier, and it is proposed that they be established on an experimental basis, to expire with May 1, 1969, unless sooner canceled, changed or extended. During this time both the shipper and the carrier can gain actual experience in the application of the charges, then review the rates and make adjustments where necessary.

"The carrier represents that the use of these charges, at this time, will produce revenue sufficient to pay its costs of operation and return a fair profit."

Under the provisions of Rule 18 C (1) (c) of the Rules of Practice and Procedure before the Public Utilities Commission of the State of Colorado, the Commission finds that application No. 397 as set forth herein should be allowed to be published to become effective ten days after the filing thereof with the Public Utilities Commission.

#### 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 rates and charges as set forth in the statement of this Order, subject to the rules and regulations as provided in the aforesaid tariffs shall be the prescribed rates, rules and regulations of the Commission, upon ten days' notice to the Commission and to the general public.
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 February 21, 1969, 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, for changes set forth in the statement hereof.

6. That, on and after February 21, 1969, 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, for changes set forth in the statement hereof.

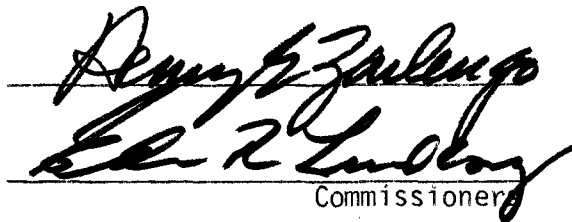
7. That this order shall not be construed so as to compel a private carrier by motor vehicle to be or become a motor vehicle common carrier or to subject any such private carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

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

  
Commissioner

Commissioner Howard S. Bjelland  
necessarily absent and not  
participating.

Dated at Denver, Colorado, this  
11th day of February, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
DOUGLAS H. CLASSEN  
ROUTE 2, BOX 61  
CONIFER, COLORADO 80433

PERMIT NO. B-7224

-----  
February 11, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from February 10, 1969 to and including August 10, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Ziegler*  
*Harold S. Bylles*  
*Ed R. Lundberg*  
Commissioners

Dated at Denver, Colorado,  
this 11th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
FLOYD L. CLARK  
863 S. RARITAN STREET  
DENVER, COLORADO 80223

PUC NO. 3716

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February 11, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

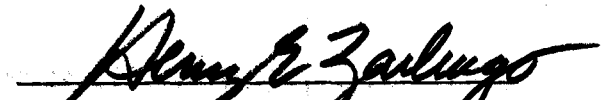
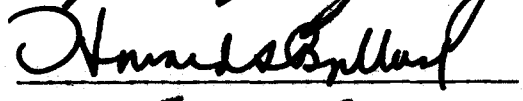
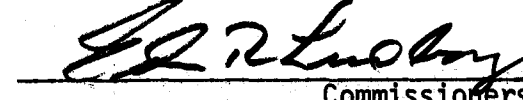
O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from December 19, 1968 to and including June 19, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 11th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
DONALD J. WILSON  
6242 PIERSON COURT  
ARVADA, COLORADO 80002

PERMIT NO. B-6303

February 11, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from January 11, 1969 to and including July 11, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Albert E. Zelenko*  
*Donald S. Miller*  
*Ed R. Lusk*  
Commissioners

Dated at Denver, Colorado,  
this 11th day of February 1969  
1s



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
TWIN FALLS-WELLS, NEVADA STAGE LINE, )  
INC., DOING BUSINESS AS )  
TWIN FALLS-WELLS STAGES )  
P. O. BOX 1293 )  
TWIN FALLS, IDAHO 83301 )

PUC NO. 6739-I

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February 11, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 26, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zuckerman*  
*Donald B. Butler*  
*Ed R. Ludlow*  
Commissioners

Dated at Denver, Colorado,  
this 11th day of February, 1969.

(Decision No. 72542)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ROCKY MOUNTAIN AIRWAYS, INC., 515 )  
MAJESTIC BUILDING, DENVER, COLORADO, )  
FOR A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A SCHEDULED )  
AIR CARRIER FOR THE TRANSPORTATION OF )  
PASSENGERS AND PROPERTY BY SCHEDULED )  
FLIGHTS 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, WITH INTERMEDIATE STOP )  
AT LEADVILLE, COLORADO, AND AT AIRPORTS )  
IN THE VICINITY THEREOF: AND SCHEDULED )  
NONSTOP FLIGHTS BETWEEN THE TERMINAL )  
POINTS OF DENVER, COLORADO, AND AIRPORTS )  
IN THE VICINITY THEREOF, AND THE )  
TERMINAL POINT OF ASPEN, COLORADO, AND )  
AIRPORTS IN THE VICINITY THEREOF. )

APPLICATION NO. 23270

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February 11, 1969  
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Appearances: Schneider, Shoemaker, Wham and  
Cooke, Esqs., Denver, Colorado,  
by Robert S. Wham and Ronald  
Lee Cooke; and  
Jones, Meiklejohn, Kehl & Lyons, Esqs.,  
Denver, Colorado, by Alvin J.  
Meiklejohn and Leslie R. Kehl, for  
Applicants;  
John F. Mueller, Esq., Denver,  
Colorado; and  
Stockton and Lewis, Esqs., Denver,  
Colorado, by Truman Stockton, Jr.  
and John Lewis, for Richard S. Chatfield,  
doing business as "Chatfield Flying  
Service", and Aspen Airways, Inc.,  
Protestants;  
Bruce Ownbey, Esq., Denver, Colorado, for  
Trans Central Airlines, Inc., Protestant;  
Raymond M. Wilson, Denver, Colorado,  
of the Staff of the Commission.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On June 27, 1968, the above-entitled application was filed re-  
questing a certificate of public convenience and necessity to operate on  
schedule as a common carrier by airplane for the transportation service as

specifically set forth in said application.

After due and proper notice to all interested persons, firms or corporations, the application was initially heard by Presiding Commissioner Howard S. Bjelland on July 29 and 30, 1968. On July 30, 1968, the Commission, pursuant to law, designated Robert L. Pyle as an Examiner for the purpose of conducting all subsequent hearings on the application and, after due and proper notice, said application was then heard by said Examiner to its ultimate conclusion. The Examiner, pursuant to the provisions of 1963 CRS 115-6-9 (2), on January 8, 1969, 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 presiding Commissioner and the Examiner, prior to the taking of evidence on the application, are set forth as follows in the following exact manner, to-wit:

"PRELIMINARY MATTERS, MOTIONS, ETC.

1. Combined Protest and Motion for Leave to Intervene by Trans Central Airlines, Inc., denied by presiding Commissioner.
2. Petition to Amend Pleadings and Proposed Amendment of Pleadings filed by Aspen Airways, Inc., granted by presiding Commissioner.
3. Motion by Protestant, Aspen Airways, Inc., to vacate hearing dates, denied by presiding Commissioner.
4. Motion by Richard S. Chatfield, doing business as "Chatfield Flying Service," to withdraw its protest, granted by Examiner.
5. Your Examiner has made rulings on all objections and motions made by the parties in the course of taking the depositions which are a part of the record and identified as Exhibits No. 28 and 29."

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

The questions of fact to be determined in this proceeding evolve around the following basic issues:

1. Suitability of Applicant to furnish the service applied for;
2. Adequacy of existing service;
3. Public Convenience and Necessity of the proposed service.

With these basic issues in mind, considering all of the testimony, records and file herein, giving such weight and creditability to the evidence and testimony as it deserves and resolving the contradictory evidence, those issues must be determined in favor of Applicant on the basis of the following specific Findings of Fact:

1. Rocky Mountain Airways, Inc., the Applicant herein, is the successor corporation to Vail Airways, Inc., and is a corporation duly organized and existing under the laws of the State of Colorado. The Ken R. White Company and one Gordon F. Autry own controlling stock in the corporation.
2. Applicant presently holds Certificate of Public Convenience and Necessity PUC No. ACS-45 which provides as follows:

Decision No. 66824 - dated February 14, 1966:

Transportation of passengers and property in scheduled service by aircraft, between Denver, Colorado, and Eagle, Colorado, on a temporary basis for one year, with permission to change times of its regular scheduled flights or to eliminate or add on scheduled flights upon five days' notice posted at the Eagle and Denver airports, provided that applicant shall always, while such authority exists, operate at least one round trip scheduled flight per day subject to weather and to the proviso that no flights shall be required on days when there are no passenger reservations at either of the points named.

Decision No. 68522 - dated November 7, 1966:

Extends to include:

Transportation of passengers and property in scheduled service by aircraft between the airport at Eagle, Colorado and the airport at Hayden, Colorado on a temporary basis for a period from the effective date of this Order to and including June 30, 1967 with authority to change times of its regular scheduled flights or to eliminate or add scheduled flights upon five days' notice posted at the Eagle and Hayden Airports, provided that between December 1 and March 31, while such authority exists, Applicant shall operate at least one round trip scheduled flight per week subject to weather conditions and subject to the proviso that no flights shall be required on days when there are no passenger reservations at either of the points named.

Decision No. 69431 - dated April 28, 1967:

Temporary period of operations under PUC No. ACS-45, issued to Vail Airways, Inc., by Decision No. 66824, dated February 14, 1966, be, and the same hereby is, extended for the period of time from March 7, 1967 to and including July 1, 1967.

Decision No. 69436 - dated May 1, 1967:

Vail Airways, Inc., be, and hereby is, authorized to suspend operations under PUC No. ACS-45 from May 1, 1967 to and including July 1, 1967.

Decision No. 69613 - dated June 7, 1967:

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.

For a period of one year after the commencement of operations under this certificate, applicant is granted permission to cancel any scheduled flight for which there is no reservation for passage thereon.

No rate differential or penalty shall be required to be charged by call and demand operators flying over the same route on any day or days for which the schedule of applicant then in effect provides for no scheduled flight.

PUC No. ACS-45 shall continue to be the number designated applicant's scheduled authority under the permanent certificate granted herein, and Decision No. 69436, authorizing applicant to suspend operations to and including July 1, 1967, by reason of major repairs at the Eagle County airport, will apply to the permanent authority granted by this Decision.

Decision No. 69707 - dated June 23, 1967:

Vail Airways, Inc. be, and hereby is, authorized to further suspend operations under PUC No. ACS-45 from July 1, 1967 to and including September 1, 1967.

Briefly, this authority provides for scheduled transportation of passengers and property by fixed-wing aircraft (1) between Denver and Aspen with a mandatory stop at Eagle, (2) between Eagle and Aspen and (3) between Denver and Eagle -- all with certain restrictions and limitations. Parts (1) and (2) above noted expire May 9, 1969, and the Commission decision granting the authority contained in said Parts (1) and (2) is presently on appeal.

3. Applicant also holds Certificate of Public Convenience and Necessity PUC No. AC-9 which provides as follows:

Decision No. 68097 - dated August 26, 1966:

Transportation, by airplane, in interstate and intrastate commerce, of passengers and their baggage and express and cargo, over irregular routes, on call and demand, between points and places in the State of Colorado, provided, however, that Applicant shall not establish an office or branch for the purpose of developing business at any towns, places, or cities other than Denver, Eagle, and Vail, and airports within a radius of fifteen miles of Denver, and airports within a radius of thirty-five miles of Vail, but located within Eagle or Summit Counties.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, shall be at least fifty percent greater per passenger than the effective rates of fixed-route carriers by air so operating on schedule between said points.

Briefly, this is a state-wide call and demand charter service with the usual restrictions and limitations.

4. By the instant application, Applicant seeks a Certificate of Public Convenience and Necessity to operate as a scheduled air carrier for the "transportation of passengers and property by scheduled flights 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, with an intermediate stop at Leadville, Colorado, and at airports in the vicinity thereof; and scheduled non-stop flights 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."
5. Applicant has duly and properly applied for the authority sought herein. The application is protested by Aspen Airways, Inc.
6. Protestant, Aspen Airways, Inc., holds Certificate of Public Convenience and Necessity PUC No. ACS-25, which provides as follows:

Decision No. 51483 - dated December 30, 1958, and  
Decision No. 53290 - dated November 3, 1959:

Transportation by aircraft, excepting helicopter, by permanent scheduled service, of passengers and property, between Aspen, Colorado, and airports in the vicinity thereof, on the one hand, and Denver, Colorado, and airports in the vicinity thereof, on the other hand. Applicant shall not set up an office in any other town or city than Aspen, Colorado, for solicitation of business.

Decision No. 61118 - dated July 29, 1963:

Transportation by aircraft, excepting helicopter, by permanent scheduled service, of passengers and property, between Aspen, Colorado, and airports in the vicinity thereof, on the one hand, and Denver, Colorado, and airports in the vicinity thereof, on the other hand. Applicant shall not

set up an office in any other town or city than Aspen, Colorado, and Denver, Colorado, for solicitation of business, said solicitation to be limited to the scheduled intrastate air service of Applicant, fares solicited or paid for in the Denver Office to be for passage only between Denver, Colorado, and Aspen, Colorado.

Decision No. 63278 - dated July 10, 1964:

Transportation by aircraft, excepting helicopter, in scheduled service, of passengers and property between Aspen, Colorado, and airports in the vicinity thereof, on the one hand and Grand Junction, Colorado and airports within a ten-mile radius thereof on the other hand, such scheduled service to be furnished from December 15 to April 15 of each year with the right to open an office in Grand Junction, Colorado for the solicitation of business for this extension only. Applicant does not seek authority, nor is authorized to transport passengers between Denver, Colorado and Grand Junction, Colorado.

Tariffs and rates for transportation of passengers between points served by certificated air carriers operating on schedule over fixed routes and in competition therewith, shall be sufficiently in excess of the per passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

Decision No. 65278 - dated June 28, 1965:

Transportation, in scheduled service by aircraft, excepting helicopter, of passengers and property between Rifle, Colorado, and airports in the vicinity thereof, on the one hand, and points now served by applicant in scheduled service, on the other hand, with the right to open an office in Rifle, Colorado for the solicitation of business for its scheduled service. Applicant does not seek authority, nor does this Order authorize the transportation of passengers between Denver, Colorado, and Grand Junction, Colorado. Authority to serve Rifle, Colorado, with the right to maintain an office in Rifle shall expire on July 1, 1966.

Decision No. 67653 - dated June 27, 1966:

Expiration date (Decision No. 65278) extended from July 1, 1966 to July 1, 1967.

Decision No. 68916 - dated February 6, 1967:

Suspension only of specific portion of PUC No. ACS-25 which authorizes transportation of passengers and property, by airplane (except helicopter) between Aspen, Colorado and Grand Junction, Colorado, serving Rifle, Colorado (experimentally) as an intermediate point, for the period of time from February 6, 1967 to and including August 6, 1967.

Briefly, this provides for scheduled air transportation (non-stop) between Denver and Aspen with certain restrictions.

7. Protestant, Aspen Airways, Inc., also holds Certificate of Public Convenience and Necessity PUC No. AC-25, which provides as follows:

Decision No. 32845 - dated June 15, 1949:

Transportation, by airplane, in intrastate and interstate commerce, of passengers and property, not on schedule, but on call and demand, in irregular service, between all points in the State of Colorado, with Aspen, Colorado, as base of operation.

Applicant shall not establish an office or branch for the purpose of developing business at any town, place, or city other than Aspen, Colorado, and nearby airports.

Tariffs and rates for transportation of passengers between points served by air carriers operating on schedule over fixed routes, and in competition therewith, shall be sufficiently in excess of the per-passenger effective rates of said fixed-route carriers by air so operating on schedule between said points to be non-competitive therewith.

Briefly, this is a state-wide call and demand charter service with the usual restrictions and limitations.

8. The Ken R. White Company and Gordon F. Autry, who, as indicated above, own controlling stock in the Applicant corporation, also own all of the stock of R.M.A. Inc., which is an equipment holding company and leases aircraft equipment exclusively to the Applicant. The officers and directors of both the Applicant corporation and R.M.A. Inc. are T. D. Gray, Gordon F. Autry, T. C. Vest, George Koonsman and Donald R. Prezler.
9. The Applicant and R.M.A. Inc. plan to merge with the Applicant as the surviving corporation which plan is to be carried out as soon as a tax ruling is issued by the Internal Revenue Service.
10. Rocky Mountain Airways, Inc. and R.M.A. Inc., as of May 31, 1968, owned total current assets of \$71,079.12, total fixed assets of \$231,050.47, total current liabilities of \$80,225.40, and total long-term liabilities of \$149,795.29. Net worth was \$140,699.30. For the six-month period ending May 31, 1968, these two corporations had incomes of \$179,593.00 and incurred expenses of \$168,143.34, for an operating profit of \$11,449.66. During June, July and August of 1968, the Applicant operated at a profit. From its air carrier operations the Applicant received a total revenue in June, 1968, of \$12,190.70, in July, 1968, a total revenue of \$15,049.00, and in August, 1968, a total revenue of \$16,391.70.
11. The Applicant maintains its general administration and operations office at Stapleton International Airport, described as the eighth or ninth busiest airport in the nation. Among the major air carriers using this airport are Trans World Airlines, United Air Lines, Braniff International, Frontier Airlines, Ozark Air Lines, Continental Airlines, and Western Airlines. It is equipped with the latest aviation navigational



aids, including a VOR system, two instrument landing systems, terminal radar, and a runway visual aid system. It is served by various types of ground transportation, including limousines, taxis, buses, rented cars, and private automobiles. At Stapleton, the Applicant maintains three general employees, three passenger service employees and two part-time mechanics. On the ground level, Applicant operates a ticket counter, equipped with a five-line telephone and electric baggage weighing scales, where it can write airline tickets and perform general airline counter services. Applicant also has a baggage storage area, capable of storing up to 1,000 pounds of baggage, and has access to an air taxi gate 250 feet from the ticket counter, which is designed for the type of aircraft the Applicant operates. Large scale construction activity is contemplated at Stapleton International Airport, and the Applicant has various rights of refusal on other space for expansion. It leases hangar space from Continental Airlines.

12. Vail, Colorado, and the surrounding area, is served by the airport at Eagle, Colorado, which has an asphalt paved runway 5,000 feet long and 55 to 60 feet wide. At the Eagle airport the Applicant maintains two employees, one mobile lounge 10 feet wide and 50 feet long, a tie-down area, bulk fuel storage facilities, a de-icing cart, a battery cart, baggage weighing equipment, and a telephone. A direct phone line from Vail to Denver is maintained. Lodge courtesy automobiles, limousines, and taxis provide ground transportation from the Eagle airport to Vail, and the Applicant maintains a limousine to meet every flight. The Applicant proposes to construct a terminal building at this airport. During periods of bad weather, or at night, when the Aspen Airport cannot operate, ground transportation to Aspen from the Eagle Airport is provided by a few Aspen lodges, rented cars, and the Little Percent Limousine and Taxi Service. Considering the mountain terrain, relatively good weather prevails at the Eagle Airport in comparison to the Aspen Airport. This enables passengers to get to Aspen at night and during periods of bad weather at Aspen.
13. Aspen is served by Sardy Field, which has a hard surface runway 63 feet wide and 6500 feet long, at an approximate elevation of 7,768 feet. At Sardy Field the Applicant maintains one full-time employee, a part-time employee, and acquires additional baggagemen during the peak season as needed. The Applicant also has a ticket counter, a waiting room and a direct phone line to Denver. It has devised a tested operational plan for taking reservations at its ticket counter at Sardy Field. Surface transportation between Sardy Field and the Town of Aspen is provided by the Little Percent Limousine and Taxi Service, lodge courtesy cars, and rented cars. At present, the Applicant is studying architect's drawings and designs for an enlarged facility at Sardy Field. Applicant employs its own weather observer at Sardy Field due to the fact that the government does not have a weather station at that point.
14. The airport facilities at Leadville, elevation 9,927 feet, consist of a hard-surfaced unlit runway 50 feet wide, 4800 feet long, with a 2% gradient. There is a small aircraft parking and tie-down area, a public phone, but no permanent buildings. The county is installing lighting equipment, and a mobile lounge similar to the one at Eagle is planned.

Surface transportation between the airport and the Town of Leadville is provided by taxis, but usually air transportation users arrive at the airport by private automobile. Reservations for passengers emplaning at Leadville can be taken via telephone line direct to Denver, as well as one direct to Aspen.

15. At Denver, Applicant offers a complete ticketing and reservation service comparable to that of major air carriers. On flights inbound to Colorado, the Applicant interlines with trunk line air carriers, and for outbound passengers from Colorado, it can write interline tickets over the lines of Trans World Airlines and United Air Lines. It has a pending agreement with Continental Airlines and Braniff International Airways for writing tickets over their routes as well. Applicant accepts cash, checks, credit cards and even has its own established credit accounts for its customers. At Aspen, reservations are taken and stored at the Aspen ticket counter and then fed to a coordinating system at Denver. A travel agency in Aspen writes tickets over Applicant's lines. At Eagle, emplaning passengers purchase their tickets after arriving at the destination at Denver. This same method is proposed for passengers originating at Leadville.
16. R.M.A. Inc. owns four Aero Commander 500B Aircraft, each having a gross weight of 6750 pounds, six passenger seats, a company installed added baggage compartment, turbo-supercharged engines, full de-icing equipment, individual oxygen for each seat, a 360 Channel Transceiver, a Standby 90 Channel Transmitter, dual VHF receivers, dual VOR receivers, complete ILS equipment, and three of them have transponders and auto pilots.
17. Applicant owns a single-engine Beech B-7 Bonanza Aircraft used for charter operations, whereas the four Aero Commanders are used interchangeably in scheduled service and call and demand service, depending upon the needs at any given time. Beginning March 10, 1968, and continuing to approximately May 8, 1968, the Applicant rented an Aero Commander "Aero Liner," a 10-passenger turboprop craft worth approximately \$400,000, allowing 6.7 cubic feet or more of baggage space for each passenger and the transportation of skis and ski poles in a baggage compartment.
18. In the future, Rocky Mountain plans to continue operations of its four Aero Commander 500B models, and is presently trying to make arrangements to again lease the Aero Liner. It has definite plans to purchase two additional Aero Commander 500B units, equipped and modified in the same manner as the four it now owns. It may purchase a third Aero Commander 500B.
19. The Applicant has made a \$15,000 down payment, \$10,000 of which is non-refundable unless the aircraft cannot be certified, in partial payment of the purchase of two, and possibly three, Fairchild Hiller FS-226 airplanes. The Fairchild Hiller FS-226 is twenty-place, twin-engine turboprop aircraft, fully cabin-pressurized to a cabin differential of 7 pounds per square inch, capable of operational speeds of 300 to 325 miles per hour. In the opinion of Rocky Mountain this aircraft's characteristics

make it ideal for operations between Denver and Aspen, because its seating configuration gives the passenger regular airliner comfort, its powerplants provide high performance, and its equipment affords full pressurization of the cabin.

20. At Denver, Applicant maintains three full-time maintenance employees and two part-time mechanics. Applicant performs most of its own maintenance work under its maintenance manual approved by the Federal Aviation Agency (FAA), but the more specialized work, such as engine rebuilding, is given to specialists under contract. With this maintenance procedure the Applicant has reduced schedule cancellations due to mechanical problems to three since the beginning of 1968. The present maintenance procedure was proven far superior to the former practice whereby all maintenance was done by outside contractors. Under the present method the aircraft can be worked on during night time hours so that it is available for service during the daylight hours when its revenue producing flights generally occur.
21. Applicant has never had an accident nor an injured passenger. It carries liability insurance of \$75,000 for each passenger seat and \$1,000,000 single limit liability on all flights, both on the call and demand as well as the scheduled flights.
22. In operating its routes Applicant relies on the following electronic and navigation aids:
  - a. At Stapleton International Airport, Denver, Applicant can use a VOR, two complete ILS systems, a terminal radar system, and a runway visual aid system, the last being a device which measures the pilot's visibility on runway approach;
  - b. At Eagle there is a federally employed weather observer and navigation facilities owned by Rocky Mountain, primarily a 100-watt, non-directional radio beacon. Using the radio beacon at Eagle, the Applicant has been able to establish operational reliability higher than the national average, completing 300 out of 306 scheduled flights during March of 1968. This apparatus allows for a schedule reliability approaching 98% to and from Eagle;
  - c. At Sardy Field, Aspen, there is no federally owned or operated navigational equipment. A unicom radio frequency is operated by Monarch Aviation, the fixed base operator for air-ground communication. The Applicant itself installed and operates a radio beacon in the Carbondale Valley, in the vicinity of Carbondale and Basalt, and it now has an FAA approved procedure between Eagle and Carbondale for holding patterns and let-downs, using this beacon. It is projected that this facility will permit the Applicant to approach the reliability at Aspen which it has achieved at Eagle. This apparatus permits the Applicant to minimize the VFR portion of its flights between Eagle and Aspen, which is considered to be the most hazardous part of the flight, and further permits Applicant to descend to an elevation of 10,800 feet for its terminal approach procedure, as opposed to a minimum elevation of 14,000 feet otherwise required. Thus Applicant could safely fly into Aspen when the Protestant, Aspen Airways, could not; and

- d. Leadville has no electronic navigational aids, but if authorized by this Commission to serve Leadville, the Applicant contemplates installation of a radio beacon comparable to the one installed in the Carbondale-Basalt area.
23. Applicant employs a Director of Operations, Gordon F. Autry, who has 8200 hours in command in flight, and a total of 8400 flight hours; a Director of Maintenance, Gerald R. Latimer, who holds an A & P License, having 2400 hours in the air; a Chief Pilot, Fred E. Jackson, with a total of 10,175 hours in the air, 9700 of them in command; a pilot, Kenneth D. Healey, 12,000 hours in command, with a total of 12,570 hours in flight; and another pilot, Russell Harrison with 4100 total hours, 3500 of them in command. Applicant requires a great deal of its pilots' flight time to be in the mountainous areas of Colorado. After employment, pilots undergo a 90-day period of careful surveillance and a training program approved by the FAA. The company has written its own training manual and secured FAA approval for it. A recurring training program, which is a ground school with a simulator training apparatus, is required, and each pilot must undergo an instrument check every six months.
24. Applicant advertises in the Yellow Pages in the Denver Telephone Book and has placed advertisements at Vail, Glenwood Springs, and Aspen. It advertises on radio stations in Aspen and Glenwood, and has published its ads in travel agency circulars. The Official Airline Guide contains its flight data.
25. Applicant proposes to operate one schedule early in the morning and one schedule early in the evening from Denver to Aspen via Leadville, and two schedules in the return direction, one in the morning and one in the evening. The fare between Denver and Leadville will be set at approximately \$15.00, and the fare between Leadville and Aspen is expected to be \$7.00. During the winter season the Applicant will provide schedules between Denver and Aspen in each direction on nearly an hourly basis. When Sardy Field at Aspen is unusable because of inclement weather or nightfall, the Applicant will serve between Denver and Eagle so that the passengers may terminate or originate at Aspen by using ground transportation between Eagle and Aspen. During the seasons when traffic is light, the Applicant will maintain a minimum of two schedules per day in each direction between Denver and Aspen. Using the Fairchild Hiller FS-226, the Applicant projects that it may be able to offer the public a lower fare between Denver and Aspen.
26. 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.
27. The Applicant's insurance coverage is adequate and in compliance with the rules and regulations of the Commission.

28. Applicant's proposed routes are feasible and acceptable and the minimum schedules to be established are desirable and will suit the needs and requirements of the traveling public.
29. The officers and directors of the Applicant corporation are familiar with the rules and regulations of the Public Utilities Commission, and if this application is granted, they will abide by said rules and regulations as well as the safety requirements of the Commission.
30. Applicant has air taxi authority from the Federal Aviation Agency.
31. Considering all factors that might be required for the operation of the authority applied for, Applicant is suitable and well-qualified to furnish that service.
32. The application is made in two parts. First, Applicant proposes a service between Denver and Aspen serving Leadville as an intermediate point and, secondly, Applicant proposes a non-stop service between Denver and Aspen. Findings of Fact pertaining to service in and out of Leadville only are as follows:
  - (a) Protestant has no objection and does not protest that part of the application from Denver to Leadville providing it is restricted to a local authority. In so doing, Protestant does not waive its objection to the Denver-Aspen authority with intermediate stop at Leadville or the direct Denver-Aspen authority.
  - (b) There is presently no scheduled air carrier service between Denver and Leadville or between Leadville and Aspen. Travelers rely in general upon surface transportation which is extremely time consuming.
  - (c) Existing transportation facilities that adequately and properly serve the present day needs in and out of Leadville are entirely inadequate and a scheduled air service, both from Leadville to Denver and Leadville to Aspen, would improve the situation. Business, industry, colleges, churches, etc. are springing up and increasing their activities in and around Leadville and this, in and of itself, requires additional and more desirable transportation to and from Denver and to and from other areas of the State, including Aspen. As a specific example, Colorado Mountain College has a campus at Leadville as well as a campus located between Aspen and Glenwood Springs, which necessitates travel between the two campuses by faculty, students and suppliers. A scheduled air service between Leadville and Aspen would be of great benefit to the public in this instance alone. Further, since Denver is a large trade center and hub city for a rather extensive area of the State, there is considerable travel to and from Denver, from and to various cities throughout the State, including Leadville, for business, entertainment and cultural purposes.
  - (d) Modern techniques and advances in equipment, navigational aids and other facilities have made air travel safer and more acceptable to the public and, therefore, more in demand than in times past.

- (e) Airport facilities at Leadville are comparatively inadequate. However, the governing body, the Chamber of Commerce and many other witnesses who appeared and offered testimony are wholeheartedly behind this application and, if this application is granted, they would take the necessary steps to improve and maintain facilities at the Leadville airport.
- (f) There is a present and special need for the proposed service in and out of Leadville.
33. Aspen and Vail are known world wide for their skiing facilities and rank No. 1 and No. 2 respectively in the United States for the skiing vacationer. In fact, the skiing vacationer traveling to and from Aspen is above average in economical status and demands and is willing to pay for facilities that are accommodating to his needs. The continued growth and financial stability of the Aspen area is dependent, among other things, upon a complete, adequate and reliable transportation system that will meet the needs and desires of the traveling public. Protestant, Aspen Airways, has failed to meet those demands.
34. The need for additional and adequate service was demonstrated by the fact that in early September of 1968 reservations for transportation between Denver and Aspen were being made for the months of January, February and March, 1969.
35. Aspen Airways, in the operation of its business, has not maintained adequate equipment or sufficient personnel to satisfactorily meet the public convenience and necessity.
36. Aspen Airways does not maintain sufficient back-up or spare equipment, resulting in undue delay, flight cancellations and failure to serve the needs of the traveling public within the scope of its authority.
37. The relationship between Aspen Airways and its customers has deteriorated to the extent that many passengers refuse to use the service of Aspen Airways; and they have, on occasion, taken undue advantage of the public by furnishing bus transportation and charging air fares therefor. Further, Aspen Airways regularly "over-books" its flights which creates bad publicity and discourages air travel between Aspen and Denver.
38. Aspen Airways, at the expense and discomfort of the public, has apparently attempted to operate its authority with a minimum of equipment and personnel which, if continued, could well be or become dangerous not only to the physical well-being of those attempting to travel thereon -- but the business activities and enterprises in and about Aspen.
39. The Aspen community, through its governing body and civic organizations, has done very little towards improving and maintaining airport facilities at Sardy Field. However, Protestant, Aspen Airways, has not fully utilized the available facilities, has not met the public need in conjunction with facilities. If good and sufficient air service is carried on in and out of Aspen, the responsible persons and governmental bodies in the Aspen area would increase and improve the airport's facilities for that area.

40. In spite of Protestant's failures and inadequacies, its traffic is nevertheless increasing and it shows a considerable profit from its operations. This would tend to show even more that tourism in Aspen is increasing dramatically and with no saturation point in view. There are so many people to be transported between Denver and Aspen that Protestant gets the business and the increases in revenue notwithstanding the inadequate and unsatisfactory nature of its service.
41. The present service available for the transportation of passengers and property by scheduled flights between the terminal point of Denver and the terminal point of Aspen is substantially and materially inadequate and insufficient.
42. There is a public need for the proposed service and other existing transportation available is not adequate to handle the needs and desires of the public in general.
43. The proposed service will not have an adverse effect on other forms of transportation service.
44. The present or future public convenience and necessity requires or will require the service between Denver and Aspen as hereinafter set forth.

#### EXAMINER CONCLUSIONS

Based upon a consideration of the entire record, it is concluded:

1. That there is a public need for the proposed service over both routes so as to furnish scheduled air service to the communities as applied for.
2. That the service, facilities and operations of Aspen Airways, Inc., Protestant, have been and now are substantially and materially inadequate and unsatisfactory and that said Aspen Airways, Inc. is unable or unwilling to perform the necessary service and provide adequate and satisfactory service to fulfill said need.
3. That the grant of authority hereinafter recommended will not impair the service, facilities or operations of Protestant, Aspen Airways, Inc., contrary to the public interest.
4. That Applicant, Rocky Mountain Airways, Inc., is fit, willing and able in all respects to perform the service herein proposed.
5. That the present and future public convenience and necessity requires and will require the operation by Applicant of the authority hereinafter set forth.
6. That the Commission make and enter its Order granting the application and issuing to Rocky Mountain Airways, Inc. a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by aircraft as follows:

"Transportation -- on schedule -- of

Persons and property

1. Between Denver, Colorado, on the one hand, and Aspen, Colorado, on the other hand.
2. Between Denver, Colorado, on the one hand, and Aspen, Colorado, on the other hand, serving Leadville, Colorado, as an intermediate point.

RESTRICTIONS:

This authority is restricted as follows:

- a. No office or branch shall be established for the purpose of developing or soliciting business at any town or city other than Denver, Aspen, Leadville, Colorado, and airports within a ten (10) mile radius of said cities.
- b. To the use of fixed-wing aircraft."

DISCUSSION BY THE COMMISSION

The herein involved application is in two parts.

By the first part, Rocky Mountain Airways (Applicant) proposes to provide scheduled air carrier service between Denver and Aspen, serving Leadville as an intermediate point. Leadville, at present, has no scheduled air carrier service. Aspen Airways (Protestant) does not oppose that portion of the application which would authorize the scheduled air carrier service between Leadville and Denver. As indicated by the Examiner, in his Findings of Fact, the community of Leadville wholeheartedly supports this application. We are of the opinion that a very definite public need has been demonstrated for the proposed service between Leadville and Denver and also between Leadville and Aspen.

Two independent reasons require that Applicant be permitted to transport through passengers between Denver and Aspen over the proposed one-stop route. By permitting the Applicant to carry through passengers on the one-stop route will make the service to and from Leadville more economically feasible. Moreover, as will be discussed more fully below, the service of Protestant between Denver and Aspen has been materially and substantially inadequate and unsatisfactory. One-stop service between Denver and Aspen



should be only marginally competitive with non-stop service between the same two points. The Commission has previously pointed out the differences between one-stop service and non-stop service in connection with these two carriers. (See Public Utilities Commission Decision No. 71286, entered May 9, 1968, affirmed by Denver District Court but on appeal to Supreme Court by Aspen Airways). The Applicant presently has a one-stop route between Denver and Aspen which requires an intermediate stop at Eagle, Colorado. Authorizing the additional one-stop route via Leadville, as we will hereinafter order, will hardly change the competitive situation that presently exists, but the same will enable the Applicant to utilize its through one-stop traffic to support service to and from Leadville. Considering all the circumstances, the authorization of the route between Denver and Aspen, with an intermediate stop at Leadville, Colorado, can hardly impair Protestant contrary to the public interest.

By the second part of the application, Applicant proposes to provide scheduled air carrier non-stop service between Denver and Aspen. Its proposed service, as amply shown by the record herein, is well-adapted to fulfill the need for air transportation between these two points.

It is clear, from the record as made, that the service of Protestant is substantially and materially inadequate and unsatisfactory. Its record of schedule completions is very poor which -- in part -- is due to the lack of mechanical reliability of its equipment. It was shown, however, that said Protestant has held its aircraft past its scheduled departure time waiting for more passengers to show up. Affected persons complain of its lack of candor in dealing with passengers relating to flight information. It is clear, as seen from the record, that, when flight schedules have been cancelled, Protestant has quite frequently utilized a bus between Denver and Aspen, charging the passenger at the air fare, which is \$25.00, whereas, the bus fare is \$8.90.

There has not been sufficient capacity to adequately handle the reasonable air needs of the traveling public between Denver and Aspen. While

the trend of passenger traffic between Denver and Aspen is increasing, Protestant actually reduced its capacity following the Winter of 1966-1967. The lack of space on its aircraft has resulted in serious inconvenience to the public. In addition, it is frequently booked tight with countless persons waiting on "standby" status hoping to get transportation. The record clearly leaves no room for doubt that countless additional persons would have used air transportation between Denver and Aspen in the past had adequate space been available.

Protestant regularly and frequently "overbooks" its flights. This is the practice of confirming reservations to more passengers than the aircraft will physically hold. Such "overbooking" cannot be condoned. This conduct and practice has caused serious travel problems for persons desiring to travel to and from Aspen, and contributes to the inadequate and unsatisfactory nature of Aspen Airways' service.

Protestant's equipment reliability also appears to be very poor. Mechanical problems have been serious and frequent. It has had inadequate equipment and parts. The very serious service disruptions which it experienced in February and March of 1968 can primarily be attributable to the fact that it had insufficient spare engines.

Regarding Protestant's handling of passenger baggage, the record shows that frequently such baggage does not accompany the passenger in the same airplane because of insufficient space. This has resulted in many instances of passengers arriving at one end or the other of the route without their baggage. Some baggage was even lost for significant periods of time.

As seen from the record, Protestant has engaged in the practice of "over-grossing" its aircraft. It has solicited others to participate in this practice with it. This consists of recording baggage weight below the actual scale weight. This practice potentially or actually results in weight aboard the airplane in excess of its authorized maximum gross take-off weight. While enforcement of regulations preventing such occurrences

lies exclusively with the Federal Aviation Agency, we believe that this situation contributes to the generally unsatisfactory and inadequate service being performed by Aspen Airways over the routes which have been certificated for service by the Commission.

The Aspen, Colorado area is an internationally known summer and winter resort. Tourism and travel between Aspen and Denver is expanding rapidly. Full development of Snowmass-At-Aspen will accelerate this situation. In spite of Protestant's demonstrated pattern of service failures and inadequacies, its traffic is nevertheless increasing and it shows a considerable profit from its operations. As indicated by the Examiner, in his Findings of Fact, there are so many people to be transported between Denver and Aspen that Aspen Airways gets business and its volume of traffic is increasing notwithstanding the inadequate and unsatisfactory nature of its service.

Protestant, Aspen Airways, has been put on notice over a considerable period of time that its service is inadequate and unsatisfactory, and the community of Aspen has made its dissatisfaction known. See Public Utilities Commission Decision No. 71286, entered May 9, 1968, which, while on appeal, as indicated above, has nevertheless plainly stated the position of the Commission and demonstrates the position of the community based on the former hearings held more than one year ago.

#### CONCLUSION BY THE COMMISSION

The Commission has given careful consideration to the entire 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 of the Examiner, as hereinabove set forth, and -- in addition -- also 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 Rocky Mountain Airways, Inc., Denver, Colorado, be, and hereby is, authorized to operate on schedule as a common carrier by airplane for the following, to-wit:

Transportation -- on schedule -- of

Persons and property

1. Between Denver, Colorado, on the one hand, and Aspen, Colorado, on the other hand.
2. Between Denver, Colorado, on the one hand, and Aspen, Colorado, on the other hand, serving Leadville, Colorado, as an intermediate point.

RESTRICTION:

This certificate is restricted as follows:

- a. No office or branch shall be established for the purpose of developing or soliciting business hereunder in any location other than Denver, Aspen, Leadville, State of Colorado, and airports within a ten (10) mile radius thereof.
- b. To the use of only fixed-wing aircraft;

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.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

Alvin E. Zalusko  
Donald B. Bell  
E. R. Lundberg  
Commissioners

Dated at Denver, Colorado,  
this 11th day of February, 1969.  
1s

(Decision No. 72543)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
SALIDA-CANON TRUCKING, INC., DOING )  
BUSINESS AS "CENTRAL COLORADO TRUCK- )  
ING CO.," 1517 H STREET, SALIDA, )  
COLORADO, FOR AUTHORITY TO EXTEND )  
OPERATIONS UNDER PUC NO. 1554. )  
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APPLICATION NO. 23448-Extension

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February 13, 1969  
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Appearances: John P. Thompson, Esq., Denver,  
Colorado, for Applicant;  
T. Peter Craven, Esq., Denver,  
Colorado, for Don Camper, Inc.,  
Protestant;  
John J. Conway, Esq., Denver,  
Colorado, for Berta Brothers  
Transportation, Salida Transfer  
Company and Eveready Freight  
Service, Inc., Protestants;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Weicker Transfer  
and Storage Company, Duffy Storage  
and Moving and Hoffman Transfer,  
Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 27, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 1554 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.

The record transmitted by the Examiner discloses that -- at the hearing -- the herein application was protested by the carriers 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.

Motion for continuance was made by Applicant and agreed to by Protestants, which Motion was granted."

The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

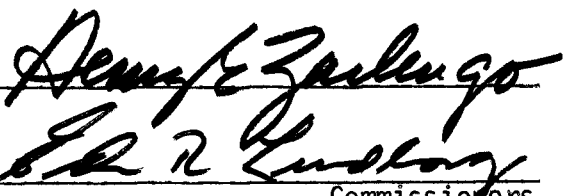
The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23448-Extension, be, and is hereby, continued and reset for hearing on April 9, 1969, at 10:00 o'clock A.M. in the Commission Hearing Room, 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 in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 13th day of February, 1969.

gf

(Decision No. 72544)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
WALTER RUMNEY AND CELESTE W. RUMNEY, )  
ROUTE 4, GREELEY, COLORADO, UNDER )  
PERMIT NO. B-729 AND PERMIT NO. )  
B-729-I. )  
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CASE NO. 5341  
SUPPLEMENTAL ORDER

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February 13, 1969  
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Appearances on Rehearing: Herbert M. Boyle, Esq., Denver, Colorado, for Respondent;  
John J. Conway, Esq., Denver, Colorado for Contract Carriers' Conference of the Colorado Motor Carriers' Association, amicus curiae;  
Robert L. Pyle, Esq., Denver Colorado, for the Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 27, 1969, the Commission entered Decision No. 72459 in the above-entitled matter, Chairman Henry E. Zarlengo dissenting.

On February 6, 1969, "Petition for Rehearing and Reconsideration," was filed with the Commission by Celeste W. Rumney by her Attorney, Herbert M. Boyle.

The Commission has carefully considered Petition for Rehearing and Reconsideration 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 and Reconsideration filed with the Commission by Celeste W. Rumney 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



  
Commissioner

CHAIRMAN HENRY E. ZARLENGO DISSENTING

Dated at Denver, Colorado,  
this 13th day of February, 1969.

CHAIRMAN HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

  
Chairman

Dated at Denver, Colorado,  
this 13th day of February, 1969.

s/

(Decision No. 72545)

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 FORT LUPTON IN WELD COUNTY, )  
COLORADO. )

APPLICATION NO. 23343

RE UNION PACIFIC RAILROAD COMPANY )  
TO DISCONTINUE AND ABANDON THE )  
STATION AGENCY AT FORT LUPTON IN )  
WELD COUNTY, COLORADO. )

INVESTIGATION AND SUSPENSION  
DOCKET NO. 617

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February 13, 1969  
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Appearances: Clayton D. Knowles, Esq., Denver,  
Colorado, for Applicant;  
R. H. Purifoy, Mayor, Fort Lupton,  
Colorado, for the Town of Fort  
Lupton, Protestant;  
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 6, 1968, Application in the instant matter was filed with the Commission and docketed as Application No. 23343. By said application, request was made for an order to authorize withdrawal of the agency station at Fort Lupton, Colorado, effective September 6, 1968. 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. 71841, dated September 6, 1968, the Commission suspended the proposed station closing pending investigation and further order of the Commission. Said Application No. 23343 was thereupon transferred to Commission Investigation and Suspension Docket No. 617. Pursuant to notice given to all interested persons, firms or corporations, a public hearing regarding the instant matter was held on

Tuesday, December 3, 1968, at the Commission Hearing Room, 507 Columbine Building, Denver, Colorado. After said hearing the matter was taken under advisement by the Commission.

In this proceeding, request is made by Applicant (Union Pacific) for authority to discontinue its Agency Station at Fort Lupton because of the following reasons: During open station time, there is no passenger service or mail handling performed at this station; revenue is produced almost in full 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 salary and station expense amounting to approximately \$8,300 per year. Proposal is made to transfer all the business now being performed at Fort Lupton to the agency station at Brighton, located 6 miles to the south by paved highway. Protestants herein object on the basis that the proposed discontinuance would cause inconvenience and additional expense to local rail patrons; that a new Park for industrial development is available and that loss of Agency service would be a detriment and injustice to the community.

A. APPLICANT AND ITS PROPOSAL

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

M. W. Gronberg, Station Supervisor, Omaha, Nebraska;  
M. R. Linbeck, Auditor--Freight Accounts, Omaha, Nebraska; and  
E. C. May, Trainmaster, Cheyenne, Wyoming.

Mr. Gronberg identified Exhibit A, which was received into evidence, as his Statement of General Information to describe the Fort Lupton (Lupton) Agency, its location, railroad facilities and service, and railroad patrons, proposals for non-agency operation and personal contacts made in the area.

In explaining his statement, and by replies to questions of protestants, it appears Fort Lupton (Population 2,250) is in a rural area,

6.7 rail miles north from Brighton, and also handles blind siding reports for the Ione beet dump at 4.3 miles to the north. The station is open on Monday through Friday from 8:00 A.M. to 5:00 P.M. Other open agency offices on the main line are maintained at Brighton to the south, and at LaSalle which is 20.3 miles to the north. Duties of the agent have been decreasing due to use of Centralized Traffic Control for direction of train movements by a central dispatcher, rather than telegraph Train Orders through the agent; accounting for the Agency at Fort Lupton, as well as for Brighton, is performed on a regionalized basis through the Denver Freight Office, which office also makes the freight statements and receives payments by mail from the Fort Lupton patrons. Remaining work now amounts to about 2 hours per day to make a Yard check in the morning, prepare blind siding report (Ione), check demurrage record, prepare outbound billings as needed, and to go to nearby offices of local patrons to pick up bills of lading when prepared by the shipper. Previous use of the blind siding at Ione has been for a sugar beet dump, it was actively used until 1968 when the beet storage was discontinued due to the use of Great Western trucks for beet movement to its Brighton plant.

Applicant has proposed that services of two people -- the Agent and a Cashier -- are available at Brighton on the same work schedule as the Fort Lupton office; that the ordering of cars from Brighton would be handled by telephone in the same way as now being ordered by local shippers through the Fort Lupton agent; orders for cars would be forwarded by the Brighton agent, the cars to be dispatched from Denver or LaSalle, and then be set out by the Local switching train according to the customer's request. All toll call expense for railroad business would be accepted by Union Pacific. In like manner, handling of inbound shipments will continue in the usual way, the Brighton Agent would send a letter or notify the consignee by telephone of the arrival of his shipment. It is not intended that there will be any cuts in service or hardship to customers; there will be personal service from the Brighton office for damage claim inspections

or other document signatures; train operations are not involved and no trackage removal is proposed that would cause customer inconvenience.

The following exhibits by Applicant were received into evidence at the hearing after identification and explanation as given by Mr. Linbeck:

- Exhibit No. B-1 Monthly tabulation of Union Pacific Revenues from Freight, Ticket Sales, Milk and Cream at Lupton -- 1966, 1967, 1968 (5 mos.).
- Exhibit No. B-2 Same data as above to show separation of Carload Revenue to Lupton by Local at 50% and Other at 100% (Interline).
- Exhibit No. B-3 Tabulation by Commodities of Carload Freight forwarded and Received.
- Exhibit No. B-4 Monthly tabulation of Union Pacific Revenues from L.C.L. Freight and all other miscellaneous sources at Lupton -- 1966, 1967, 1968 (5 mos.).
- Exhibit No. B-5 Monthly tabulation to show out-of-pocket expenses for Wages and Station Costs at Lupton -- 1966, 1967, 1968 (5 mos.).
- Exhibit No. B-6 Consolidated Statement of Freight traffic to show approximate net railway operating income at Lupton after allowance for Freight operating expenses.
- Exhibit No. C Report of traffic Agent L. H. Allen showing personal contacts made with patrons at Lupton to explain proposed station closing
- Exhibit No. D Report to show volume of business for the blind siding station of Ione.
- Exhibit No. E Tabulation of Railway Express business and expenses at Lupton Station -- 1966, 1967, 1968 (6 mos.).

Our summary of the exhibit data as related to the continuing carload freight movements and revenues is made as follows:

Commodities --

<u>Item</u>	<u>1966</u>	<u>1967</u>	<u>1968 (5 mos.)</u>
Carloads:			
Forwarded	179	119	12
Received	<u>370</u>	<u>290</u>	<u>128</u>
Total	549	409	140
Average per Month	46	34	12

In Exhibit No. B-3 it is noted that principal Forwarded movement in 1966 was for 57 carloads of sugar beets as compared with 4 carloads in 1967. In 1966 -- 26 carloads of wheat were moved out in the two months of July and August as compared to 31 carloads during the months of August and September 1967. On the other hand -- shipments of canned goods were fairly constant throughout the year for totals of 22 carloads in 1966 and 18 carloads in 1967.

With respect to Received carloads, there is variation of movement in the larger commodity volumes as noted:

<u>Item (Carloads)</u>	<u>1966</u>	<u>1967</u>	<u>1968 (5 mos.)</u>
Cattle	34	4	1
Crushed Rock	15	24	9
Feed	64	98	33
Fertilizer	91	39	43
Machinery	23	25	12
Tractors	4	5	--

Revenues and Expenses --

<u>Item</u>	<u>1966</u>	<u>1967</u>	<u>1968 (5 mos.)</u>
Local Revenue (50%)			
Carload Forwarded	\$6,301	\$7,794	\$1,808
Carload Received	20,170	9,614	7,074
Interline (100%)			
Carload Forwarded	15,663	9,837	708
Carload Received	<u>41,607</u>	<u>37,008</u>	<u>18,597</u>
Total Revenue	\$83,741	\$64,253	\$28,187
Less: Operating Expense	<u>60,218</u>	<u>45,138</u>	<u>19,801</u>
(Revenue X Op. Ratio) Remainder	\$23,523	\$19,115	\$ 8,386
Less: Station Expense	<u>8,009</u>	<u>8,306</u>	<u>3,971</u>
Gain or (Loss)	\$15,514	\$10,809	\$ 4,415
Operating Ratio before Station Expense	71.91%	70.25%	70.25%

With reference to the revenue allocation, Mr. Linbeck explained that full benefit, or 100% of the Lupton station revenue, is shown for the Interline traffic; also, that 50% of Local revenue is used where the work of two Union Pacific stations is involved for origin and destination handling. Regarding the freight revenues, Mr. Linbeck stated that Lupton was not a "Loss" station; and that there were other small revenue items also of Ticket sales, demurrage, car bedding and Railway Express commissions. It is noted that the Railway Express shipments are transported in truck service and handled through the Railroad office on a joint basis. Since joint Agency handling is provided at Brighton, there will be a continuation of Express service from that station.

Trainmaster May stated services of an agent are not required for operation of trains at Lupton since two passenger trains and as many as seven freight trains operate at night when there is no agent on duty. Movement of the trains is directed by a central dispatcher at Denver and the operation of a system of Centralized Traffic Control for signal indications

and switch settings, whereby use of Train orders through the Agent is eliminated. During the day time there are movements of three passenger and four freight trains which also occur on Saturdays and Sundays when the Agent is off duty. Meanwhile, it is not proposed there will be any change in train service; the Flag Stop at Lupton for Passenger Train No. 18 going into Denver will be retained; freight service will be continued in the regular manner and instructions for carload pickups or car spotting may be forwarded to the Brighton office by telephone in the same way as now being done at Fort Lupton.

#### B. PROTESTANTS

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

Roland Purifoy, Mayor of Fort Lupton, is also the operator of Purifoy Chevrolet Company. He described local land development and plans of the City to encourage new industry, stating that removal of the Agent would be an injustice to the town. He noted that present industries on the various track sidings would be hurt; that there would be added work load for the Brighton station and there would be delays when inspections are required. In his opinion, the future inconvenience of no local agent would hurt all railroad patrons.

David Proctor, Manager of Albers Milling Company, stated the local milling plant was seriously damaged by fire in January 1968; that extensive remodeling is being done to provide the most modern type of a liquid-mix feed plant and will also require extensive use of tank and hopper cars. He emphasized that the Town is also growing in the same manner that his plant is being modernized. He stated removal of the agent would cause added inconvenience in handling railroad business through Brighton regarding:



1. Damaged cars -- wait for a man to inspect.
2. Preparation of Bills of lading and trip to Brighton for signatures.
3. Securing agent approval from Brighton for release of inbound cars.

In his further explanation he was uncertain how often damage claims might occur, and that the driving time of ten minutes between Brighton and Lupton was about the same as the Agent walking time between the local depot and his plant in Fort Lupton.

Everett Hoagland, Otteson Grain Company, described his wheat shipping operation as being subject to hail and drouth losses, but his whole operation had nevertheless remained at a fairly constant volume; his office is only 400 feet from the station where his shipment billings are prepared by the agent. Should the agent be removed he is uncertain about extent of future inconvenience relating to ordering cars and giving shipping instructions by telephone through the Brighton office; also, the manner of securing releases to open his cars and need to take his bills of lading to Brighton for signature will be a new problem.

Donald Penfold, Fort Lupton Produce, stated that past services of the Agent have been very helpful; in his business of shipping perishable foods he has need for accurate freight quotations, current routing data and quick information.

Elton Nakamoto, Midway Auto and Equipment Company, described his business as a dealer and distributor of large farm implements, combines and tractors. He stated there is an increasing need for rail service to properly handle the factor distribution of the larger plows and tractors which are now a part of the newer farming methods in the area. He has found the agent services very helpful in early notice of shipment arrivals; assistance in switching instructions to avoid track and yard congestion; and for rapid handling of damage claims. He feels that with no extra people

At the Brighton Office, future service from that point will be uncertain and slow; that without accurate switching information, he will have new expenses of keeping men on a standby basis for car unloadings. While noting that business may have been slow for the past 25 years, Mr. Nakamoto explained that a good potential for the future development of Fort Lupton as an industrial hub is now showing up in some new local growth, active airport and Industrial Park promotion, more use of direct rail service to Lupton due to the closing of an implement warehouse in Denver and that there are no tractor dealers in Brighton.

George Whitman, Farm Implements, described past difficulties of a damage claim settlement with another railroad involving non-agency service and thereby emphasized that the local agent should be available when needed. It was his belief that growth of the Town during the past ten years is assurance that there will be increased rail business and that service from Brighton will also be more expensive.

Bob Easterday, Easterday Drug Walgreen Agency, stated that he is President of the Fort Lupton Chamber of Commerce and a Member of the Board of Directors for the newly formed Fort Lupton Development Corporation. With reference to a descriptive brochure, Mr. Easterday explained that an Industrial Park of some 30 acres has been created by the Chamber of Commerce Development Corporation, consisting of open land near U.S. Highway No. 85 and the adjacent plant site of the former Great Western Sugar factory having extensive rail trackage facilities; part of the area and a warehouse is now being used by the Fort Lupton Canning Company.

Mr. Easterday cited construction of the updated and modern Alberts feed plant and a recent F.A.A. approval of a nearby airport site to emphasize new local growth and potential for greater industrial expansion of the area.

It was his belief that proposed station handling from Brighton and substitution of telephone for personal service would be inconvenient,

and would not fully meet the problems of damage claims and other needs of local patrons.

#### DISCUSSION

The promotion of community welfare and the prestige that has been achieved by presence of a railroad agent is understandable to the Commission. However, in the instant matter we see the diminishing Agent duties and the almost complete loss of personal contact with his patrons that was the basis of the Agency prestige. Patrons now order cars by telephone, they pay freight charges by check and damage claims are infrequent. Former work of submitting freight bill statements is handled by mail from the Regionalized or Central Office at Denver. Direction of train movements is controlled by work of a Centralized dispatcher which has practically eliminated the need for train orders; and duties of the telegraph operator are further disappearing due to expanded use by Western Union of its teletype circuits and widespread telephone communication lines for message distribution.

The minor volume of station work is noted as follows on a daily basis:

	<u>1966</u>	<u>1967</u>
Maximum Total Carloads in 1 Month	110	71
Average per day (20 days/month)	5	4
Average Total Carloads per Month	46	34
Average per day	2	2

Hence, it becomes apparent that the instant proposal is made as a means toward more efficient and economical railroad management and emphasizes the responsibility of this Commission to carefully consider the elimination of non-productive station expenses when only minor public convenience or need is involved.

Meanwhile, in consideration of the elements of public convenience and necessity, we note the provisions for an alternate agency office; the essential services of freight haulage and switching movements will not be changed; that toll call expense for railroad business will be accepted by

Union Pacific, and that personal Agent service from the Brighton office will be provided to Fort Lupton patrons for damage claims or related business demands.

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

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

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

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

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

That there will be a continuation of rail service, local switching movements and trackage facilities; which, with only minor inconvenience on the whole, will be adequate to meet requirements of the Fort Lupton area.

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

That the public convenience and necessity no longer requires continued maintenance of an Agency Station at Fort Lupton, Colorado, by Applicant, Union Pacific Railroad Company, and authority for Agency discontinuance should be granted as requested.

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 Fort Lupton, Colorado; and to thereafter maintain the same as a prepay or non-agency station served through the Brighton Agency office for handling of railroad and Railway Express business.

That telephone toll expense of Fort Lupton patrons relative to railroad business shall be accepted by the Agency station of Applicant at Brighton, Colorado.

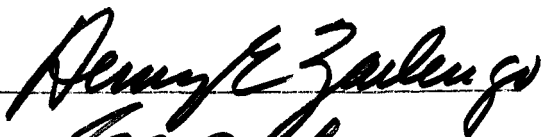

That during any times of seasonal rush, or unforeseen demand for station service, necessary personnel may be brought in and withdrawn as required to meet the public needs.

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 Fort Lupton Agency office and as authority for change of service to the Brighton Agency office.

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 (21) days from 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 13th day of February, 1969.  
ls

(Decision No. 72546)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
RICHARD MONDRAGON, DOING BUSINESS AS )  
"DICK'S TRASH HAULING SERVICE," 418 )  
WOOD STREET, FORT COLLINS, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 3746. )

APPLICATION NO. 23341-Extension

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February 14, 1969  
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Appearances: Elery Wilmarth, Esq., Fort Collins,  
Colorado, for Applicant;  
Leslie R. Kehl, Esq., Denver, Colorado,  
for Otto Streeb, doing business as  
"Otto Streeb Transfer Co." and Bestway  
Disposal Co., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On August 1, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 3746 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 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 application so as to

'restrict against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted'.

Whereupon, protestants withdrew and the matter proceeded as a non-protested application."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their 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

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

1. Applicant is an individual doing business as "Dick's Trash Hauling Service", and presently holds Certificate of Authority PUC No. 3746 and Permit No. M-12401, which Permit is not involved herein and need have no further reference herein.
2. Certificate of Authority PUC No. 3746 presently provides as follows:  
  
"Transportation of ashes, and trash from point to point within the City limits of Fort Collins, Colorado. Decision No. 47775: And within a radius of three miles of said City limits."
3. Services are required in the area to which extension is sought because of new development, both commercial and residential in conjunction with the growth of the Fort Collins community.
4. By this application, Applicant seeks to extend his Certificate of Authority PUC No. 3746 to include:  
  
"a radius of ten (10) miles around the City of Fort Collins, Colorado, restricted, however, to any service within the City of Loveland, Colorado, and further restricted against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."

5. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
8. There is presently no service available in the area to which extension is sought.
9. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
10. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend his authority under Certificate of Authority PUC No. 3746 to include the following:

"a radius of ten (10) miles around the City of Fort Collins, Colorado, restricted, however, to any service within the City of Loveland, Colorado, and further restricted against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."

That henceforth the full and complete authority under Certificate of Authority PUC No. 3746 shall be as follows:

"Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, Colorado, and a ten (10) mile radius thereof, to designated and approved dumps and disposal sites within Larimer County, State of Colorado.

#### RESTRICTIONS:

- (a) Restricted against the rendering of any service within the City of Loveland, Colorado.
- (b) Restricted against the rendering of any service in the area east of Interstate Highway 25 and south of Colorado Highway 14, except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."



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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Richard Mondragon, doing business as "Dick's Trash Hauling Service," Fort Collins, Colorado, be and hereby is, authorized to extend the territorial authority as presently set forth under Certificate of Public Convenience and Necessity PUC No. 3746 to include the following:

a radius of ten (10) miles around the City of Fort Collins, State of Colorado, restricted, however, to any service within the City of Loveland, State of Colorado, and further restricted against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, State of Colorado, which shall not be restricted.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3746 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, State of Colorado, and a ten (10) mile radius thereof, to designated and approved dumps and disposal sites within Larimer County, State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

- (a) Against the rendering of any transportation service within the City of Loveland, State of Colorado.
- (b) Against the rendering of any transportation service in the area east of Interstate Highway 25 and south of Colorado Highway 14, except for service within the

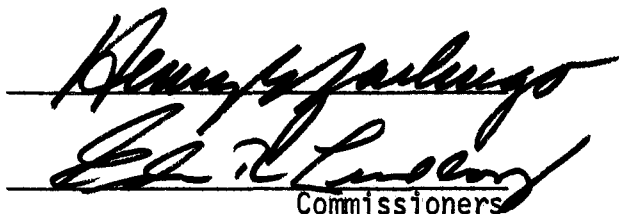
corporate limits of the Town of Timnath,  
State of Colorado, which shall not be  
restricted.

That Applicant shall operate in accordance with the Order of the  
Commission except when prevented by Act of God, the public enemy, or ex-  
treme conditions.

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 14th day of February, 1969.  
sl

(Decision No. 72547)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
EDDIE GALLEGOS, DOING BUSINESS AS )  
"G & S SANITATION SERVICE," P. O. )  
BOX 1957, FORT COLLINS, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 4438. )

APPLICATION NO. 23334-Extension

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February 14, 1969  
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Appearances: Elery Wilmarth, Esq., Fort Collins,  
Colorado, for Applicant;  
Leslie R. Kehl, Esq., Denver, Colorado,  
for Otto Streeb, doing business as  
"Otto Streeb Transfer Co." and Bestway  
Disposal Co., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On July 30, 1968, the above-entitled application was filed re-  
questing authority to extend operations under Certificate of Public Con-  
venience and Necessity PUC No. 4438 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 desig-  
nated 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 exhi-  
bits 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 application so as to

"restrict against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."

Whereupon, Protestants withdrew and the matter proceeded as a non-protested application."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their 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

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

1. Applicant is an individual, doing business as "G & S Sanitation Service", and presently holds Certificate of Authority PUC No. 4438 and Permit No. M-6325, which Permit is not involved herein and need have no further reference herein.
2. Certificate of Authority PUC No. 4438 presently provides as follows:

"Decision No. 52978:

Transportation of ashes, trash and other waste materials in the City of Fort Collins, Colorado, and from points within the City of Fort Collins, Colorado, to regularly-designated and approved dumps and disposal places in Larimer County, State of Colorado.

Decision No. 55262:

Ashes, trash, and other waste materials in the clean up of the shore area at Boyd, Horseshoe, Upper Hoffman, Lower Hoffman, Hennessey, and Lonetree Reservoirs, to regularly-designated and approved dumps and disposal places in Larimer County, Colorado."

3. Applicant's present authority allows him to perform services in connection with the clean up of the shore area at Boyd, Horseshoe, Upper Hoffman, Lower Hoffman, Hennessey and Lonetree Reservoirs. However, those areas are all encompassed in the extended sixteen and one-half (16 1/2) mile radius applied for so no reference to said areas will have to be made in the rewrite of the authority.
4. Services are required in the area to which extension is sought because of new development, both commercial and residential in conjunction with the growth of the Fort Collins community.
5. By this application, Applicant seeks to extend his Certificate of Authority PUC No. 4438 to include:  

"a radius of sixteen and one-half (16 1/2) miles around the City of Fort Collins, Colorado, restricted, however, to any service within the City of Loveland, Colorado, and further restricted against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."
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 provision for insurance.
8. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
9. There is presently no service available in the area to which extension is sought.
10. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
11. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend the authority under Certificate of Authority PUC No. 4438 to include the following:

"a radius of sixteen and one-half (16 1/2) miles around the City of Fort Collins, Colorado, restricted, however, to any service within the City of Loveland, Colorado, and further restricted

against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."

That henceforth the full and complete authority under Certificate of Authority PUC No. 4438 shall be as follows:

"Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, Colorado, and a sixteen and one-half (16 1/2) mile radius thereof, to designated and approved dumps and disposal sites within Larimer County, State of Colorado.

RESTRICTIONS:

- (a) Restricted against the rendering of any service within the City of Loveland, Colorado.
- (b) Restricted against the rendering of any service in the area east of Interstate Highway 25 and Colorado Highway 14, except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted."

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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Eddie Gallegos, doing business as "G & S Sanitation Service," Fort Collins, Colorado, be and hereby is, authorized to extend the territorial authority as presently set forth under Certificate of Public Convenience and Necessity PUC No. 4438 to include the following:

a radius of sixteen and one-half (16 1/2) miles around the City of Fort Collins, State of Colorado, restricted, however, to any service within the City of Loveland, State of Colorado, and further restricted against the rendering of any service in the area east of Interstate Highway No. 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, Colorado, which shall not be restricted.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4438 shall read and be as follows, to-wit:

Transportation of

Ashes, trash and other refuse

From all points within the City of Fort Collins, State of Colorado, and a sixteen and one-half (16 1/2) mile radius thereof, to designated and approved dumps and disposal sites within Larimer County, State of Colorado.

RESTRICTION:

This Certificate is restricted as follows:

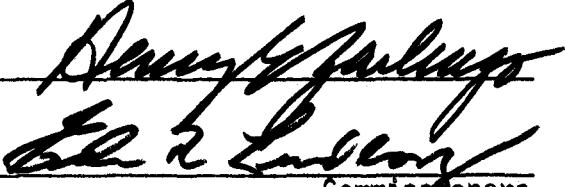
- (a) Against the rendering of any transportation service within the City of Loveland, State of Colorado.
- (b) Against the rendering of any transportation service in the area east of Interstate Highway 25 and south of Colorado Highway No. 14 except for service within the corporate limits of the Town of Timnath, State of Colorado, which shall not be restricted.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
\_\_\_\_\_  
Commissioners

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT  
PARTICIPATING

Dated at Denver, Colorado,  
this 14th day of February, 1969.  
s1

(Decision No. 72548)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
W. KENNETH STRICKLER, BOX 1291, )  
MONTROSE, COLORADO, FOR A CLASS "B" )  
PERMIT TO OPERATE AS A PRIVATE )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )  
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APPLICATION NO. 23382-PP  
SECOND SUPPLEMENTAL ORDER

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February 14, 1969  
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Appearances: W. Kenneth Strickler, Montrose,  
Colorado, pro se.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 14, 1969, the Commission entered Decision No. 72411 in the above-styled application, revoking operating rights granted to the above-styled Applicant by Decision No. 72068, dated October 22, 1968, for failure of said Applicant to comply with requirements set forth in said Decision No. 72068.

It now appears that Applicant has complied with all requirements of Decision No. 72068, and requests reinstatement of operating rights granted thereby.

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

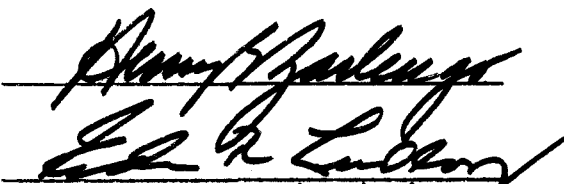
THE COMMISSION ORDERS:

That Decision No. 72411, dated January 14, 1969, be, and the same hereby is, vacated, set aside, and held for naught as of said 14th



day of January, 1969, and operating rights heretofore granted to the above-styled Applicant by Decision No. 72068, dated October 22, 1968, be, and the same hereby are, restored to active status as of said 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 14th day of February, 1969.  
s1

(Decision No. 72549)

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 CERTIFICATE  
OF PUBLIC CONVENIENCE AND NECESSITY  
AUTHORIZING EXTENSION OF OPERATIONS  
UNDER PUC NO. 6638.

APPLICATION NO. 23016-Extension  
SUPPLEMENTAL ORDER

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February 14, 1969  
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Appearances: Richard Joel Pettingell, Estes  
Park, Colorado, pro se;  
David Butler, Esq., Denver,  
Colorado, for Little Percent,  
Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 4, 1968, the Commission entered Decision No. 71810 granting to Applicant herein the right to extend operations under PUC No. 6638.

Applicant has failed to comply with requirements set forth in said Decision No. 71810 in that he has failed to file certificate of public liability and property damage insurance, number of units to be operated, tariff, and issuance fee.

The Commission states and finds that inasmuch as Applicant has not fulfilled requirements set forth in said Decision No. 71810, operating rights granted thereby should be revoked as set forth in the Order following.

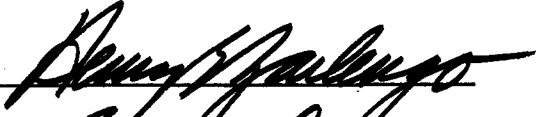

O R D E R

THE COMMISSION ORDERS:

That operating rights granted to Richard Joel Pettingell by Decision No. 71810, dated September 4, 1969, be, and the same hereby are, revoked for failure of Applicant to comply with requirements set forth in said Decision No. 71810.

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 14th day of February, 1969.  
s1

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
E. C. S., INC. )  
5959 NORTH PECOS STREET )  
DENVER, COLORADO 80221 )

PERMIT NO. M-3553

-----  
February 13, 1969  
-----

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 February 6, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Alvin J. Zuck*  
*Howard B. Blyden*  
*Ed. R. Lueders*  
Commissioners

Dated at Denver, Colorado,  
this 13th day of February, 1969.  
ls

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
RALPH J. NICHOLS )  
ROUTE 1 )  
CEDAREGE, COLORADO 81101 )

PERMIT NO. M-9881

-----  
February 13, 1969  
-----

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 February 3, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Zaulengo*  
*Howard B. Bell*  
*Ed R. Lindberg*  
Commissioner

Dated at Denver, Colorado,  
this 13th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
JOHN F. CVANIGA, DOING BUSINESS AS  
"DO-WEL CONS'T CO.",  
1773 SOUTH UNITA WAY  
DENVER, COLORADO 80222

PERMIT NO. M-11154

February 13, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

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

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

ORDER

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, cancelled effective January 30, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry E. Gault*  
*Donald B. Bell*  
*Ed R. Lusk*  
Commissioners

Dated at Denver, Colorado,  
this 13th day of February, 1969.  
ls

(Decision No. 72553)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MURPHY COOPERATIVE, AN IOWA CORPORATION, )  
P. O. BOX 419, HAMPTON, IOWA, TO )  
TRANSFER INTERSTATE OPERATING RIGHTS )  
TO MURPHY TRANSPORTATION CO., AN IOWA )  
CORPORATION, 15 5TH AVENUE, S. E., )  
P. O. BOX 419, HAMPTON, IOWA. )  
-----

PUC NO. 4435-I - Transfer

-----  
February 14, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Murphy Cooperative, an Iowa corporation, Hampton, Iowa, heretofore was granted a certificate of public convenience and necessity, being PUC No. 4435-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate holder now seeks authority to transfer said PUC No. 4435-I to Murphy Transportation Co., an Iowa corporation, Hampton, Iowa.

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 Murphy Cooperative, an Iowa corporation, Hampton, Iowa, be, and hereby is, authorized to transfer all right, title and interest in and

to PUC No. 4435-I -- with authority as set forth in the Statement preceding, which is made a part hereof, by reference -- to Murphy Transportation Co., an Iowa corporation, subject to encumbrances against said operating rights, if any, approved by this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioner

COMMISSIONER HOWARD S. BJELLAND  
NECESSARILY ABSENT AND NOT  
PARTICIPATING.

Dated at Denver, Colorado,  
this 14th day of February, 1969.  
ls



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
WARREN H. & VIVIAN M. FREAD, DOING  
BUSINESS AS "CRAIG CAB CO.,"  
CRAIG, COLORADO 81626

PUC NO. 1290

-----  
February 13, 1969  
-----

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 February 3, 1969.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

*Henry J. ...*  
*Howard ...*  
*Ed ...*  
Commissioners

Dated at Denver, Colorado,  
this 13th day of February, 1969.  
1s

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: FREIGHT, ALL KINDS, HAVING A )  
PRIOR OR SUBSEQUENT MOVEMENT BY AIR )  
BETWEEN DENVER AND POINTS IN COLORADO )  
VIA COLORADO CARTAGE COMPANY, INC. )  
----- )

INVESTIGATION AND SUSPENSION  
Docket No. 624

-----  
February 14, 1969  
-----

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 22, 1969, Raymond L. Mauldin, President, Colorado Cartage Company, Inc., filed Local Freight Tariff No. 7, Colorado PUC No. 7, naming rates and rules for the transportation service captioned above.

The Commission on its own motion suspended said schedule and set it for hearing on the 7th day of March, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

On February 10, 1969, Byron W. Ray, Traffic Manager for respondent Company, filed a letter with this Commission requesting permission to withdraw said schedule as it pertains to interstate traffic only and should not have been filed with this Commission.

Upon consideration of said request, the Commission finds that said schedule should be withdrawn and canceled; that hearing date set March 7, 1969, should be vacated.

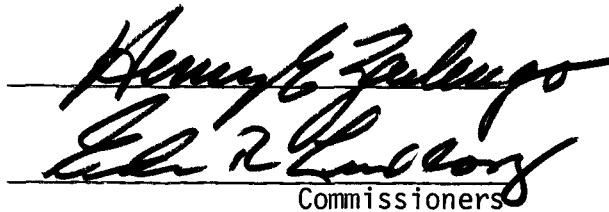
O R D E R

THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.
2. That Local Freight Tariff No. 7, Colorado PUC No. 7, issued and filed with this Commission by Colorado Cartage Company, Inc., should be withdrawn and canceled.

3. That the hearing set for Investigation and Suspension under Docket No. 624 on March 7, 1969 in Denver, Colorado be, and it is hereby, vacated, and the matter discontinued.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Commissioner Howard S. Bjelland  
necessarily absent and not  
participating.

Dated at Denver, Colorado, this  
14th day of February, 1969. av

*referred*

(Decision No. 72556)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

RE: TEN PERCENT INCREASE )  
COLORADO BUS INTRASTATE )  
PACKAGE EXPRESS RATES )  
----- )

\* \* \*

APPLICATION NO. 23596

-----  
February 18, 1969  
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STATEMENT

BY THE COMMISSION:

On January 2, 1969, National Bus Traffic Association, Inc., Agent, Chicago, Illinois, acting for and on behalf of the following Colorado Motor Vehicle Common Carriers of passengers and packages:

- American Buslines, Inc.
- Colorado Motorway, Inc.
- Colorado Springs-Limon Transportation Company (Art Walker, d/b/a Colorado Transportation Company (Rocky Mountain Motor Company, Inc. (dba)
- Continental Bus System, Inc.
- Continental Rocky Mountain Lines Division
- Denver-Boulder Bus Company
- Denver-Colorado Springs-Pueblo Motor Way, Inc.
- Denver-Salt Lake-Pacific Stages, Inc.
- Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc., d/b/a)
- Greyhound Lines, Inc. (Western Greyhound Lines Division)
- Leadville Transit Company, Inc., The
- Transcontinental Bus System, Inc.
- Continental Central Lines Division
- Continental Western Lines Division
- Valley Transit Lines, Inc.

filed its application No. 50, dated December 31, 1968, petitioning the Commission for authority to effect a general increase of ten (10%) percent in Colorado Intrastate Package Express Rates, adjusted where necessary, to make the resulting rate end in "0" or "5", with a minimum charge of one dollar and twenty-five (\$1.25) cents. In addition, to make the "collection fee" of ten (10¢) cents per shipment, applicable to all Colorado Intrastate Local and Interline Bus Express Shipments forwarded with express charges "collect."

Petitioner based its request for the proposed general increase upon the following:

(a) Carriers, whom Petitioner represents, have been and are confronted with substantial increases in costs of operation since the last general ten (10%) percent increase in Colorado Intrastate Local and Interline Package Express Rates, which became effective August 1st, 1964.

(b) During the intervening four (4) years, the Carriers, parties to this Petition, effected two (2) ten (10%) percent increases in their Interstate, Local and Interline Package Express Rates, effective March 1st, 1967, and May 1st, 1968. The currently effective Interstate Express Rates are as published under Table I of Petitioner's Western Express Tariff No. A-605-B, Colo. PUC No. 137, as reflected on Page 2 of the attached Appendix A. These increased Interstate Express Rates are higher than those for which authority is requested herein, and have been approved and made applicable intrastate in the contiguous States of Kansas, New Mexico, Oklahoma, Utah and Wyoming. Substantially the same Scale of Rates (Table I) has been approved and made applicable intrastate in the State of Nebraska.

(c) The carriers have experienced a continuing upward trend in the cost of labor and the prices of materials and supplies. These increases in costs have, of course, been reflected in the costs of handling Package Express. Furthermore, by active promotion and solicitation, the Carriers have been successful in increasing the volume of Package Express Shipments handled, but this increase in volume has necessitated, not only increases in manpower, but also capital expenditures for the expansion and improvement of facilities for handling Package Express.

(d) The transportation of Package Express is a service, which is "incidental" to the primary service of the Carriers, i.e., the transportation of passengers. Nevertheless, Package Express Service is expected to bear its full share of the expenses incurred in the performance of such service and it cannot be expected that such service can be subsidized to any degree by revenues derived from the transportation of passengers.

(e) The "Collection Fee" of ten (10¢) cents, proposed to be assessed on each Collect Shipment, has been in effect for several years in other Territories. That "Collection Fee" was made applicable on all Interstate Package Express Shipments throughout the country, effective May 1st, 1968, as well as Intrastate in the majority of States throughout the country, including all of the States contiguous to Colorado. Such "Collection Fee" is necessary in order to compensate the Delivering Carrier for the extra expense involved in the Collection, Reporting and Remitting of the Collect Express Charges."

Petitioner concluded: --

"It is in the public interest that said carriers be permitted to effect this increase in Bus Express Rates because the additional revenues to be derived from such increase will assist the Carriers in continuing to provide adequate, efficient, and improved Package Express Service for Shippers and Regular Scheduled Passenger Service for the Travelling Public in Colorado at reasonable and compensatory Rates, and to offset the

increases in operating costs already experienced and to meet further increases in such expenses anticipated in the future."

### F I N D I N G S

#### THE COMMISSION FINDS:

1. That this application should be assigned for a public hearing whereby all concerned may be given an opportunity to inquire into the justness, reasonableness, and sufficiency of the proposed increase.

2. That applicants should be notified and required to submit information and supporting data which shall include, among other things, the following:

- A. Balance sheets for each individual company.
- B. Income statements showing a separation as to Intrastate and Interstate expenses and revenues with supporting data such as detailed depreciation schedules.
- C. Colorado and System operating ratios based on the income statements for the years 1967 and 1968.
- D. Traffic studies and cost formulas which shall be based upon revenues derived in the years 1967 and 1968, and separated as to Intrastate and Interstate revenue and expenses, including anticipated revenue to show the effect of the proposed increase.
- E. Detailed data to disclose carrier affiliate purchases relating to price comparisons of purchases from affiliates and other manufacturers.

3. That all of the required data specified in the findings hereof should be based upon and reflect the annual reporting periods for the years 1967 and 1968. Four (4) copies of all documentary evidence to be presented by the applicants, should be filed with the Secretary of the Commission twenty one (21) days prior to the hearing date herein.

### O R D E R

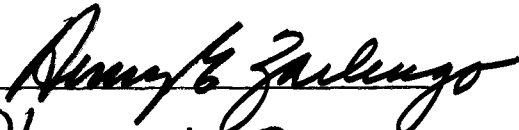
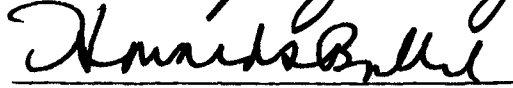

#### THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.

2. That Applicants named 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.

3. That Application No. 23596, (Applicants' application No. 50) be, and the same hereby is, assigned for a public hearing commencing on April 28, 1969 at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado, this  
18th day of February, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
 )  
Western Seed Co. Inc. )  
3407 Fox Street )  
Denver, Colorado 80216 )  
 )  
 )

AUTHORITY NO. M-6684

CASE NO. 4018-M-Ins.

-----  
February 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1969, 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.


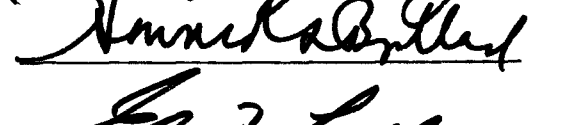
O R D E R

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  
18th day of February 1969 .



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: PETITION OF NATIONAL BUS TRAFFIC )  
ASSOCIATION, INC., AGENT, FOR AND ON )  
BEHALF OF CERTAIN NAMED MOTOR CARRIERS )  
OF PASSENGERS; PETITION OF COLORADO )  
MOTORWAY, INC.; PETITION OF ROCKY )  
MOUNTAIN MOTOR COMPANY, INC., D/B/A )  
COLORADO TRANSPORTATION COMPANY; )  
PETITION OF DENVER-BOULDER BUS COMPANY, )  
INC., FOR AUTHORITY TO INCREASE CERTAIN )  
CHARTER COACH RATES IN CHARTER COACH )  
TARIFF A-405, COLORADO PUC NO. 145 )  
-----

APPLICATION NO. 23597

-----  
February 18, 1969  
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STATEMENT

BY THE COMMISSION:

The Commission is in receipt of Applications filed by National Bus Traffic Association, Inc., Agent (Application No. 51), for and on behalf of the following carriers of passengers:

- American Buslines, Inc.
- Continental Bus System, Inc.
- Continental Rocky Mountain Lines Division
- Denver-Colorado Springs-Pueblo Motor Way, Inc.
- Denver-Salt Lake-Pacific Stages, Inc.
- Greyhound Lines, Inc. (Western Greyhound Lines Division)
- Transcontinental Bus System, Inc.
- Continental Central Lines Division
- Continental Western Lines Division
- Valley Transit Lines, Inc.

Applications were also received from:

- Denver-Boulder Bus Company
- Colorado Motor Way, Inc.
- Rocky Mountain Motor Company, Inc., d/b/a
- Colorado Transportation Company,

seeking authority to increase rates and charges in Colorado intrastate by publication of consecutively numbered Revised Pages to Petitioner's Colorado-Utah Area Charter Coach Tariff No. A-405, Colorado PUC No. 145.

Changes in the rates and charges as proposed by National Bus Traffic Association, Inc., Agent, for and on behalf of the following

carriers, are as follows:

- American Buslines, Inc.
- Continental Bus System, Inc.
- Continental Rocky Mountain Lines Division
- Denver-Colorado Springs-Pueblo Motor Way, Inc.
- Denver-Salt Lake-Pacific Stages, Inc.
- Greyhound Lines, Inc. (Western Greyhound Lines Division)
- Transcontinental Bus System, Inc.
- Continental Central Lines Division
- Continental Western Lines Division
- Valley Transit Lines, Inc.

(1) To make the Charter Coach Charges, published in Table C-4, applicable to Colorado Intrastate Charter Coach Movements from all places of Origin, in lieu of the Charter Coach Charges now authorized under Table C-7. A comparison of the Charges authorized in these two Tables of Charges is as follows:

PRESENTLY EFFECTIVE  
TABLE NO. C-7

COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
NUMBER OF PASSENGERS PER "CHARTER COACH"	PER "LIVE MILE"	PER "DEADHEAD MILE"	TIME CHARGES		
			FIRST 5 HOURS OR LESS	EACH ADDITIONAL HOUR	MAXIMUM 24 HOUR PERIOD
<b>STANDARD EQUIPMENT</b>					
25 PASSENGERS OR LESS	\$ .45	\$ .40	\$ 40.00	\$ 4.00	\$ 96.00
26 PASSENGERS	.4625	.40	41.25	4.00	96.00
27 PASSENGERS	.475	.40	42.50	4.25	102.00
28 PASSENGERS	.4875	.40	43.75	4.25	102.00
29 PASSENGERS	.50	.40	45.00	4.50	108.00
30 PASSENGERS	.5125	.40	46.25	4.50	108.00
31 PASSENGERS	.525	.40	47.50	4.75	114.00
32 PASSENGERS	.5375	.40	48.75	4.75	114.00
33 PASSENGERS	.55	.40	50.00	5.00	120.00
34 PASSENGERS	.5625	.40	51.25	5.00	120.00
35 PASSENGERS	.575	.40	52.50	5.25	126.00
36 PASSENGERS	.5875	.40	53.75	5.25	126.00
37 PASSENGERS	.60	.40	55.00	5.50	132.00
38 PASSENGERS	.6125	.40	56.25	5.50	132.00
39 PASSENGERS	.625	.40	57.50	5.75	138.00
40 PASSENGERS	.6375	.40	58.75	5.75	138.00
41 PASSENGERS	.65	.40	60.00	6.00	144.00
42 PASSENGERS	.6625	.40	61.25	6.00	144.00
43 PASSENGERS	.675	.40	62.50	6.25	150.00
44 PASSENGERS	.6875	.40	63.75	6.25	150.00
45 PASSENGERS	.70	.40	65.00	6.50	156.00
46 PASSENGERS	.7125	.40	66.25	6.50	156.00
<b>SPECIAL EQUIPMENT (WITH LAVATORY)</b>					
37 PASSENGERS OR LESS	.63	.40	55.00	5.50	132.00
38 PASSENGERS	.645	.40	57.50	5.75	138.00
39 PASSENGERS	.66	.40	60.00	6.00	144.00

PROPOSED  
TABLE NO. C-4

29 PASSENGERS OR LESS	.60	.40	60.00	6.25	150.00
30 PASSENGERS	.60	.40	60.00	6.25	150.00
31 PASSENGERS	.60	.40	60.00	6.25	150.00
32 PASSENGERS	.60	.40	60.00	6.25	150.00
33 PASSENGERS	.60	.40	60.00	6.25	150.00
34 PASSENGERS	.615	.40	61.50	6.45	153.75
35 PASSENGERS	.63	.40	63.00	6.60	157.50
36 PASSENGERS	.645	.40	64.50	6.75	161.25
37 PASSENGERS	.66	.40	66.00	6.90	165.00
38 PASSENGERS	.675	.40	67.50	7.05	168.75
39 PASSENGERS	.69	.40	69.00	7.20	172.50
40 PASSENGERS	.705	.40	70.50	7.35	176.25
41 PASSENGERS	.72	.40	72.00	7.50	180.00
42 PASSENGERS	.735	.40	73.50	7.70	183.75
43 PASSENGERS	.75	.40	75.00	7.85	187.50
44 PASSENGERS	.765	.40	76.50	8.00	191.25
45 PASSENGERS	.78	.40	78.00	8.15	195.00
46 PASSENGERS	.795	.40	79.50	8.30	198.75
47 PASSENGERS	.81	.40	81.00	8.45	202.50
<b>SPECIAL EQUIPMENT</b>	.80	.40	79.50	8.30	198.75

41 PASSENGERS OR LESS (SEE LINE OPPOSITE SPECIAL EQUIPMENT - APPLICABLE FOR CONTINENTAL TRAILWAY COMPANIES ONLY.

(2) To publish the following additional charges, to be assessed on all Charter Coach Movements operated within a radius of one hundred and twenty-five (125) miles of Denver, Colorado Springs, Pueblo, Durango or Grand Junction, Colorado:

- (a) A pick-up charge of ten (\$10.00) dollars per Bus will be assessed to the "Place of Origin" when the distance is more than (1) mile from Colfax and Broadway, Denver, Colorado, or when the distance is more than one (1) mile from the Carriers' Bus Stations in Colorado Springs, Pueblo, Durango or Grand Junction, Colorado.
- (b) A waiting time charge of four (\$4.00) dollars per "Hour" will be assessed for each "Hour" or fraction thereof in excess of one (1) "Hour". This Waiting Time Charge will be in addition to all other charges, computed on either a Mileage Basis or a Time Basis.

Changes in the rates and charges as proposed by Denver-Boulder Bus Company, Colorado Motorway, Inc., and Rocky Mountain Motor Company, Inc., d/b/a Colorado Transportation Company, are as follows:

TABLE NO. C-7

PRESENT					
COLUMN 1	COLUMN 2	COLUMN 3	COLUMN 4	COLUMN 5	COLUMN 6
NUMBER OF PASSENGERS PER "CHARTER COACH"	PER "LIVE MILE"	PER "DEADHEAD MILE"	FIRST 5 Hours OR LESS	TIME CHARGES EACH ADDITIONAL HOUR	MAXIMUM 24 HOUR PERIOD
<b>STANDARD EQUIPMENT</b>					
25 PASSENGERS OR LESS	\$ .45	\$ .40	\$ 40.00	\$ 4.00	\$ 96.00
26 PASSENGERS	.4625	.40	41.25	4.00	96.00
27 PASSENGERS	.475	.40	42.50	4.25	102.00
28 PASSENGERS	.4875	.40	43.75	4.25	102.00
29 PASSENGERS	.50	.40	45.00	4.50	108.00
30 PASSENGERS	.5125	.40	46.25	4.50	108.00
31 PASSENGERS	.525	.40	47.50	4.75	114.00
32 PASSENGERS	.5375	.40	48.75	4.75	114.00
33 PASSENGERS	.55	.40	50.00	5.00	120.00
34 PASSENGERS	.5625	.40	51.25	5.00	120.00
35 PASSENGERS	.575	.40	52.50	5.25	126.00
36 PASSENGERS	.5875	.40	53.75	5.25	126.00
37 PASSENGERS	.60	.40	55.00	5.50	132.00
38 PASSENGERS	.6125	.40	56.25	5.50	132.00
39 PASSENGERS	.625	.40	57.50	5.75	138.00
40 PASSENGERS	.6375	.40	58.75	5.75	138.00
41 PASSENGERS	.65	.40	60.00	6.00	144.00
42 PASSENGERS	.6625	.40	61.25	6.00	144.00
43 PASSENGERS	.675	.40	62.50	6.25	150.00
44 PASSENGERS	.6875	.40	63.75	6.25	150.00
45 PASSENGERS	.70	.40	65.00	6.50	156.00
46 PASSENGERS	.7125	.40	66.25	6.50	156.00
<b>SPECIAL EQUIPMENT (WITH LAVATORY)</b>					
37 PASSENGERS OR LESS	.63	.40	55.00	5.50	132.00
38 PASSENGERS	.645	.40	57.50	5.75	138.00
39 PASSENGERS	.66	.40	60.00	6.00	144.00

PROPOSED

TABLE NO. C-3

29 PASSENGERS OR LESS	.57	.40	57.00	5.95	142.50
30 PASSENGERS	.57	.40	57.00	5.95	142.50
31 PASSENGERS	.57	.40	57.00	5.95	142.50
32 PASSENGERS	.585	.40	58.50	6.10	146.25
33 PASSENGERS	.60	.40	60.00	6.25	150.00
34 PASSENGERS	.615	.40	61.50	6.45	153.75
35 PASSENGERS	.63	.40	63.00	6.60	157.50
36 PASSENGERS	.645	.40	64.50	6.75	161.25
37 PASSENGERS	.66	.40	66.00	6.90	165.00
38 PASSENGERS	.675	.40	67.50	7.05	168.75
39 PASSENGERS	.69	.40	69.00	7.20	172.50
40 PASSENGERS	.705	.40	70.50	7.35	176.25
41 PASSENGERS	.72	.40	72.00	7.50	180.00
42 PASSENGERS	.735	.40	73.50	7.70	183.75
43 PASSENGERS	.75	.40	75.00	7.85	187.50
44 PASSENGERS	.765	.40	76.50	8.00	191.25
45 PASSENGERS	.78	.40	78.00	8.15	195.00
46 PASSENGERS	.795	.40	79.50	8.30	198.75
47 PASSENGERS	.81	.40	81.00	8.45	202.50

The Application states: --

"The Carriers have experienced a continuing upward trend in the cost of labor and the prices of materials and supplies. These increases in costs have, of course, been reflected in the costs of performing Charter Coach Service.

"The performance of Charter Coach Service is "incidental" to the primary service of the Carriers, which is the transportation of passengers in Regular Scheduled Service; nevertheless, Charter Coach Service is expected to bear its full share of the expenses incurred in the performance of such service and it cannot be expected that such service can be subsidized to any degree by revenues derived from the transportation of passengers in Regular Scheduled Service.

"The Carriers have effected substantial increases in Charges applicable to Interstate Charter Coach Movements from points in the State of Colorado to points in other States, and in Intrastate Charter Coach Charges between points in other States in which they operate. The currently effective Colorado Intrastate Charter Coach Charges are neither reasonable nor compensatory."

"It is in the public interest that said Carriers be permitted to effect this proposed increase in Colorado Intrastate Charter Coach Charges because the additional revenues to be derived from such increase will enable the Carriers to provide adequate, efficient, and improved Charter Coach Service for the Tourists and Travelling Public in Colorado at reasonable and more compensatory charges, and to some extent offset the increases in operating costs already experienced and to meet further increases in such expenses anticipated in the future."

#### FINDINGS

##### THE COMMISSION FINDS:

1. That National Bus Traffic Association, Inc., Agent, Application No. 51, and the Applications of Colorado Motorway, Inc., Denver-Boulder Bus Company, and Rocky Mountain Motor Company, Inc., d/b/a Colorado Transportation Company, should be assigned for a public hearing whereby all concerned may be given an opportunity to inquire into the justness, reasonableness, and sufficiency of the proposed increase.

2. That Applicants should be notified and required to submit information and supporting data which shall include, among other things, the following:

- A. Balance Sheets for each individual Company.
- B. Income statements showing a separation as to Intrastate and Interstate expenses and revenues with supporting data such as detailed depreciation schedules.
- C. Colorado and System Operating ratios based on the income statements for the years 1967 and 1968.
- D. Traffic studies and cost formulas which shall be based upon revenues derived in the years 1967 and 1968 and separated as to Intrastate and Interstate revenue and expenses, including anticipated revenue to show the effect of the proposed increase.

E. Detailed data to disclose carrier-affiliate purchases relating to price comparisons of purchases from affiliated and other manufacturers.

3. That all of the required data specified in the findings hereof should be based upon and reflect the annual reporting period for the years 1967 and 1968. Four (4) copies of all documentary evidence to be presented by the applicants should be filed with the Secretary of the Commission twenty-one (21) days prior to the hearing date herein.

ORDER


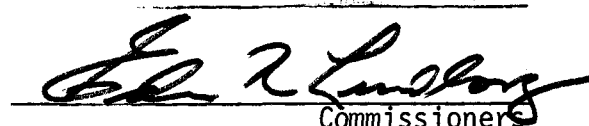
THE COMMISSION ORDERS:

1. That the Statement and Findings herein be, and they are hereby, made a part hereof.

2. That Applicants named 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.

3. That Application No. 23597 (Applicants' Application No. 51), the applications of Colorado Motorway, Inc., Denver-Boulder Bus Company, and Rocky Mountain Motor Company, Inc., d/b/a Colorado Transportation Company, be, and the same hereby are, assigned for a public hearing commencing on April 30, 1969, at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
Commissioner

Dated at Denver, Colorado, this  
18th day of February, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: PETITION OF THE NATIONAL BUS )  
TRAFFIC ASSOCIATION, INC., FOR AND )  
ON BEHALF OF THE NAMED MOTOR CARRIERS )  
OF PASSENGERS FOR AUTHORITY TO INCREASE )  
PASSENGER BUS FARES BETWEEN POINTS IN )  
THE STATE OF COLORADO )  
-----

APPLICATION NO. 23598

-----  
February 18, 1969  
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STATEMENT

BY THE COMMISSION:

On January 2, 1969, National Bus Traffic Association, Inc., Agent, Chicago, Illinois, acting for and on behalf of the following Colorado Motor Vehicle Common Carriers of Passengers:

- American Buslines, Inc.
- Continental Bus System, Inc.
- Continental Rocky Mountain Lines Division
- Denver-Colorado Springs-Pueblo Motor Way, Inc.
- Denver-Salt Lake-Pacific Stages, Inc.
- Greyhound Lines, Inc. (Western Greyhound Lines Division)
- Transcontinental Bus System, Inc.
- Continental Central Lines Division
- Continental Western Lines Division
- Valley Transit Lines, Inc.

filed its Application No. 49, dated December 31, 1968, petitioning the Commission for authority to effect an adjustment in Colorado Intrastate Intercity Passenger Fares, between all points between which the distance is more than twenty-five (25) miles, by the recomputation of such fares on the basis of four (4) cents per mile, adjusted to the next higher "0" or "5", to become effective at the earliest possible date, to be published either in new or amended tariffs on a specific "point to point" basis, or by use of a Master Conversion Table tariff and connecting link supplements.

Petitioner based its request for the proposed general increase upon the following:

- (a) The last general increase in Colorado Intrastate Intercity Passenger Fares, became effective February 10, 1965, under authority of Decision No. 64329, in Application No. 20358, dated December 30, 1964.

- (b) During the intervening four (4) years since February 10th, 1965, the Effective Date of the last adjustment in Colorado Intrastate Passenger Fares, the upward trend in the cost of labor and the prices of materials and supplies, has continued, and the Carriers are confronted with still further increases in such costs at this time. These conditions present a real threat to the maintenance of sound economic conditions within the Intercity Bus Industry in the State of Colorado, and to the continuation of adequate Intercity Passenger Service under honest, economical and efficient management.
- (c) During "1965", at approximately the same time as their Colorado Intrastate Passenger Fares were increased, the Carriers, whom Petitioner represents, effected increases in their Interstate and Intrastate Passenger Fares between points in other States in which they operate. Furthermore, on two separate occasions during "1967" and "1968", these same Interstate and Intrastate Fares were again increased.
- (d) The Intercity Motor Carriers of Passengers have made every effort to compensate for increasing costs by sound economy measures and reductions in non-essential services. By sound traffic promotion and marketing programs, and improved service and equipment, the Carriers have endeavored to increase or, at least, to retain revenues from their Regular Scheduled Passenger Operations.
- (e) The Carriers, further, have made every effort to realize additional revenues from supplementary services, such as the transportation of Package Express Shipments. By your Petitioner's Application No. 50, of this same date, the Colorado Bus Carriers are seeking authority of your Commission to effect increases in Colorado Intrastate Package Express Rates.

Petitioner concluded: --

"Carriers, whom Petitioner represents, believe that it is in the public interest that they be permitted to effect this adjustment in fares at the earliest possible date, because the additional revenues to be derived from such increase should make it possible for the Carriers to continue to provide adequate, efficient and compensatory Regular Scheduled Service for the travelling public in the State of Colorado and to meet the further increases in the cost of operations anticipated during the coming year."

#### FINDINGS

##### THE COMMISSION FINDS:

1. That this application should be assigned for a public hearing whereby all concerned may be given an opportunity to inquire into the justness, reasonableness, and sufficiency of the proposed increase.
2. That Applicants should be notified and required to submit information and supporting data which shall include, among other things,

the following:

- A. Balance sheets for each individual Company.
- B. Income statements showing a separation as to Intrastate expenses and revenue with supporting data such as detailed depreciation schedules.
- C. Colorado and system operating ratios based on the income statements for the years 1967 and 1968.
- D. Traffic studies and cost formulas which shall be based upon revenues derived in the years 1967 and 1968, and separated as to Intrastate and Interstate revenue and expenses, including anticipated revenue to show the effect of the proposed increase.
- E. Detailed data to disclose carrier-affiliate purchases relating to price comparisons of purchases from affiliates and other manufacturers.

3. That all of the required data specified in the findings hereof should be based upon and reflect the annual reporting period for the years 1967 and 1968. Four (4) copies of all documentary evidence to be presented by the applicants, 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 Applicants named herein shall submit evidence and supporting data and other information as set forth in the finding 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.
3. That Application No. 23598, (Applicants' application No. 49) be, and the same hereby is, assigned for a public hearing commencing



on April 28, 1969 at 10:00 o'clock a.m., in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado, this  
18th day of February, 1969. av

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
Prescription Pre-Mix, a Div. of )  
Agri-Inc. )  
Box 366 )  
Minatare, Nebraska 69356 )

AUTHORITY NO. M-9357  
CASE NO. 4025-M-Ins.

-----  
February 18, 1969

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 11, 1969 , 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.

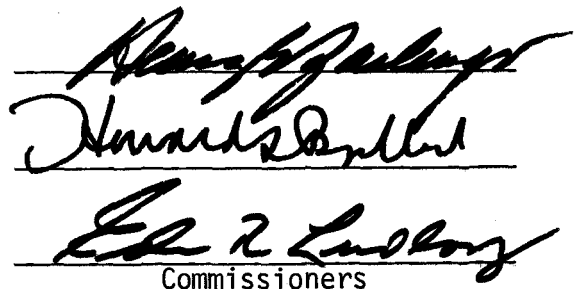
O R D E R

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  
18th day of February 1969 .

(Decision No. 72561)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
BURLINGTON TRUCK LINES, INC., 796 )  
SOUTH PEARL STREET, GALESBURG, )  
ILLINOIS FOR AUTHORITY TO ABANDON, )  
REVOKE AND CANCEL INTRASTATE CERTI- )  
FICATE OF PUBLIC CONVENIENCE AND )  
NECESSITY TO OPERATE AS A COMMON )  
CARRIER OF MOTOR VEHICLE FOR HIRE, )  
BEING PUC NO. 721. )

APPLICATION NO. 23554-Abandonment

-----  
February 19, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 7, 1968, Burlington Truck Lines, Inc., 796 South Pearl Street, Galesburg, Illinois filed a petition for revocation and cancellation of Certificate of Public Convenience and Necessity PUC No. 721.

In justification of the above, the petitioner set forth the following:

"Over the past 23 or 24 years, Burlington Truck Lines, Inc. has provided intrastate service to the points authorized in its Certificate No. 721 and 721-I. The traffic available even with intense solicitation, was always at a minimum, and as a result, our daily schedules were finally reduced to a tri-weekly basis.

Then in early 1966, the volume was reduced to a level which prohibited a continuation of service."

FINDINGS

THE COMMISSION FINDS:

1. That notice of the proposed abandonment was given by the Commission to all interested persons, firms or corporations by notice dated January 17, 1969.
2. That no protests were received by the Commission to the proposed abandonment.

3. That there are other common carriers now rendering transportation service to the area involved, and that the abandonment of Certificate of Public Convenience and Necessity PUC No. 721 will not create a hardship to the shipping public.

4. That the granting of the petition of Burlington Truck Lines, Inc. will be in the public interest.

5. That the hearing involving the matter, presently set at 10:00 A.M., on February 21, 1969, at Denver, Colorado, should be vacated.

O R D E R

THE COMMISSION ORDERS:

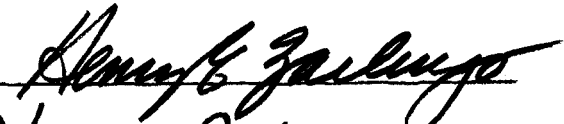
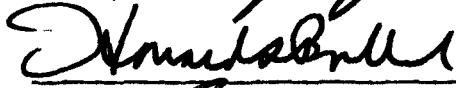

That the hearing on Application No. 23554-Abandonment, presently set for 10:00 A.M., on February 21, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That Certificate of Public Convenience and Necessity PUC No. 721 be, and hereby is, cancelled and revoked.

That Burlington Truck Lines, Inc. shall retain Certificate of Public Convenience and Necessity PUC No. 721-I being its interstate registration.

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 19th day of February, 1969.  
gf

(Decision No. 72562)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
CITY OF COMMERCE CITY FOR AUTHORITY )  
TO INSTALL GRADE CROSSING PROTECTION )  
DEVICES AT 56TH AVENUE, CITY OF )  
COMMERCE CITY, COLORADO, AT MILEPOST )  
538 OF CHICAGO, BURLINGTON & QUINCY )  
RAILROAD COMPANY. )

APPLICATION NO. 23490

-----  
February 19, 1969  
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Appearances: Robert R. Gehler, City Attorney,  
City of Commerce City, Colorado,  
for Applicant;  
W. L. Peck, Esq., Denver, Colorado,  
for Chicago, Burlington & Quincy  
Railroad Company;  
J. L. McNeill, Denver, Colorado,  
of the Staff of the Commission.

S T A T E M E N T

BY THE COMMISSION:

On November 18, 1968, the City of Commerce City, Colorado (Applicant), filed the instant application.

After due and proper notice, the application was heard by the Commission in the Commission Hearing Room, Denver, Colorado, at 10:00 A.M. on January 22, 1969. At the conclusion of the hearing the matter was taken under advisement by the Commission.

Purpose of the application is to secure Commission approval for proposed safety improvement at the crossing of 56th Avenue, a city street in the City of Commerce City, Colorado, over the mainline track of Chicago, Burlington & Quincy Railroad Company (CB&Q) by the installation of automatic railroad flasher signals and bell under the provisions of 1963 CRS 115-4-6 (2)(b).

At the hearing Donald Scheuffele, Director of Public Works for Commerce City, stated that 56th Avenue is an important thoroughfare in the City and is used by trucks and other vehicles to reach various

industrial locations in the area. Much of this traffic comes from the nearby Interchange of U.S. Highways 6 and 85 with the new Interstate 270, and more is expected in the future as Interstate 270 is completed to the north. A recent traffic count taken by the Commerce City Traffic Division showed a day-time mid-week traffic flow of 1009 vehicles during a ten-hour period on 56th Avenue. At this location the street is twenty-two (22) feet wide and the crossing is presently protected by railroad crossbuck signs and red stop signs. Mr. Scheuffele explained that there is no obstruction to the view when moving in an easterly direction; however, for motorists driving in a westerly direction over the crossing there is an obstructed view due to dikes and a fence on the right side of the street, as shown by Exhibit A, a photograph of the crossing. The speed limit on 56th Avenue is thirty-five miles per hour, and said street is not a part of the Federal or State highway system. Mr. Scheuffele identified the location of the crossing through the use of an aerial photo, and Exhibit B which is a map prepared from the aerial photo.

Mr. Eli Koff, Mayor of Commerce City, testified and stated that on June 17, 1968, the City Council of Commerce City had agreed to enter into an agreement with the CB&Q Railroad covering this installation, and had authorized him to execute the necessary contract, which is undated, and is attached to the instant application. He further stated the improvement of this crossing had been discussed for three or four years by the City, but due to financial considerations, no action had been taken. However, the City felt in June that it could afford paying ten percent of the estimated cost of the installation which is set forth in the contract as \$21,000.00.

Mayor Koff further testified that the City of Commerce City has an ordinance restricting the speed of trains over crossings within the City to twenty miles per hour where there is no automatic crossing protection, and forty miles an hour where there is automatic signal protection.

Mr. R. C. Gustafson, Division Engineer of the CB&Q, stated that he was familiar with the application filed by the City and with the contract between the City and the Railroad. He stated that he knew the crossing and that it was protected with standard railroad crossbuck signs, as well as red stop signs, which had been installed by someone other than the Railroad Company. He further testified that there were normally four passenger trains, nine switching moves, seven regular freight trains, and two extra freight trains, or an average of twenty-two movements, over the crossing each day. He said there was an industry track switch approximately fifteen feet east of the crossing, as well as another switch some four hundred and fifty feet east of the crossing which the Railroad Company used in switching industries located in that area. He felt there was a definite need for flashing light signals at this crossing. He stated that it would be approximately six months after an order was entered authorizing this installation until the installation was actually made, the delay being primarily due to an inability of the Railroad Company to obtain the necessary signals and wiring materials from the manufacturers.

Mr. Earl Bright, Regional Signal Supervisor of the CB&Q, with headquarters in Lincoln, Nebraska, stated he had jurisdiction over the installation and maintenance of flashing light signals on all lines of the CB&Q west of the Missouri River. He explained that the devices to be installed would be standard short mast type with flasher signals, and that on one unit there would be a bell. The wiring circuits will provide a warning time of 30 to 35 seconds in advance of movement over the crossing by trains moving in either direction along the main track based on an operating speed of approximately fifty miles an hour, which, in view of the forty-mile speed limit of the City, would give the traveling public adequate warning time before the movement of a train over the crossing. The advance warning time has been set up in accordance with the railroad industry standards and those of the Association of American Railroads. In connection with the switches and side tracks near the crossing, special circuits

will be installed so that switching will not unnecessarily actuate the signals and delay motor vehicle traffic over the crossing. He confirmed the fact that there would be a delay in getting equipment and perhaps delay in installation due to installations being made on other portions of the railroad. Mr. Bright estimated the annual cost of maintenance of the signals at \$600 to \$900, which would be borne by the Railroad Company.

### F I N D I N G S

#### THE COMMISSION FINDS:

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

That the public safety, convenience, and necessity require the installation of automatic railroad flasher light signals and bell at the grade crossing of 56th Avenue, City of Commerce City, Colorado, over the main line of Chicago, Burlington & Quincy Railroad Company at its Mile-post 538.

That the circumstances surrounding the use of such crossing, present and future, are such as to require the installation of highway-railroad crossing protection devices as provided by 1963 CRS 115-4-6 (2)(b), and that the cost of installation and maintenance and the expense of such signals shall be allocated as hereinafter set forth.

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

That no part of the costs of the installation of railroad flasher light signals or bell at the crossing will be paid from the funds available under any federal or federal-aid highway act.

### O R D E R

#### THE COMMISSION ORDERS:

That the Applicant, City of Commerce City, State of Colorado, be, and hereby is, granted a Certificate of Public Convenience and Necessity to authorize and approve the installation and operation of standard automatic railroad flasher light signals and bell at the grade crossing of 56th Avenue



(a city street) over the main line track of Chicago, Burlington & Quincy Railroad Company at its Milepost 538, City of Commerce City, Colorado.

That the work to be done, installation, and maintenance of the signals and bell shall be done by the Railroad Company as set forth in the agreement between Chicago, Burlington & Quincy Railroad Company and the City of Commerce City as indicated in the preceding Statement, which Statement and Application Exhibits are, by reference, made a part hereof.

That it is fair, just, and equitable for the City of Commerce City to pay ten percent (10%) of the cost of the installation of such automatic railroad flasher light 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%) thereof shall be forwarded by the Railroad Company to the City of Commerce City, which bill shall be paid by the City to the Railroad Company within thirty (30) days of receipt thereof.

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

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

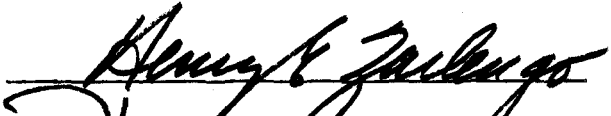

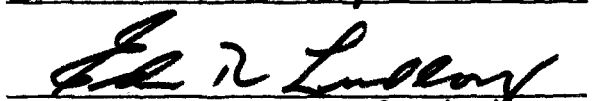
That the Railroad Company, upon completion of the proposed work, shall furnish to the Commission a detailed report showing the dates of the significant transactions occurring after the entry of this Order, including

the dates of the requisitions for the material needed for installation, the receipt of said materials, the commencement of installation, and completion of installation.

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 19th day of February, 1969.  
gf

(Decision No. 72563)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALAN W. REISE, DOING BUSINESS AS )  
"MANITOU EXPRESS CO.," 614 SOUTH )  
29TH STREET, COLORADO SPRINGS, COLO- )  
RADO, FOR AUTHORITY TO TRANSFER PUC )  
NO. 189 AND PUC NO. 189-I TO JAMES )  
M. EVINGER, DOING BUSINESS AS "MANITOU )  
EXPRESS CO.," 614 SOUTH 29TH STREET, )  
COLORADO SPRINGS, COLORADO. )

APPLICATION NO. 23576-Transfer

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February 19, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-styled application, authority is sought to transfer PUC No. 189 and PUC No. 189-I from Alan W. Reise, doing business as "Manitou Express Co.," to James M. Evinger, doing business as "Manitou Express Co."

Said application is presently set for hearing at 10:00 A.M., on February 27, 1969, at Denver, Colorado.

The Commission is in receipt of a communication from John P. Thompson, Attorney for Applicants, requesting that said hearing be vacated and the application dismissed.

The Commission states and finds that said request is compatible with the public interest and should be granted as set forth in the following Order.

O R D E R


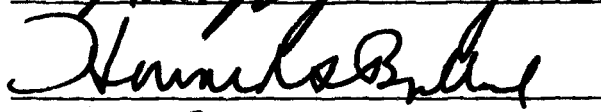
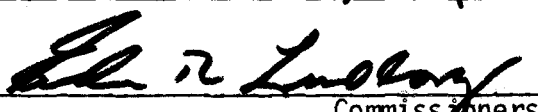
THE COMMISSION ORDERS:

That hearing on Application No. 23576-Transfer, presently set for 10:00 A.M., February 27, 1969, at Denver, Colorado, be, and the same hereby is, vacated.

That Application No. 23576-Transfer be, and the same hereby  
is, dismissed.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

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

Dated at Denver, Colorado,  
this 19th day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: BARS, REINFORCING, STEEL, )  
SIXTY FOOT LENGTHS, FROM PUEBLO, )  
COLORADO TO DENVER, COLORADO )  
-----

INVESTIGATION AND SUSPENSION  
Docket No. 628

-----  
February 19, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On January 27, 1969, Englewood Transit Company, by E. G. Perry, Jr., President, filed First Revised Page No. 29-D-1, setting forth reduced rates and charges as shown below, scheduled to become effective February 28, 1969.

MOTOR FREIGHT TARIFF NO. 2  
Colorado PUC No. 2

SECTION NO. 3

Specific Commodity Rates

Rates are in cents per 100 pounds

Item No.	Commodity
3057	Reinforcing bar, steel, in 60-ft. lengths.
⚡	
Ⓡ	From: Pueblo, Colorado To: Denver, Colorado
	Rate: 22¢ per 100 pounds
	Minimum weight: 60,000 pounds

⚡ denotes addition.

Ⓡ denotes reduction.

The Commission is in receipt of protests filed on behalf of the Weicker Transfer & Storage Company, Rio Grande Motor Way, Inc., and Goldstein Transportation & Storage, Inc., requesting suspension of said schedule. Upon consideration of said schedule and protests thereto, the proposed schedule may, if permitted to become effective, result in rates and charges that may be in violation of the Public Utilities Law. It is the opinion of the Commission that 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 rates, charges and provisions as proposed in Item 3057, First Revised Page No. 29-D-1, Englewood Transit Company, Motor Freight Tariff No. 2, Colorado PUC No. 2, effective February 28, 1969.

3. That the operation of said schedule be, and it is hereby, suspended and the use thereof deferred to and including June 28, 1969, 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 the said schedule under the Public Utilities Law.

5. That neither the schedule 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.

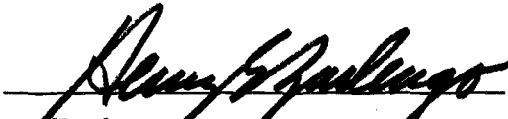

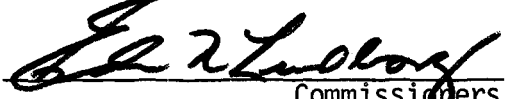
6. That a copy of this order shall be filed with the schedule in the office of the Commission, and that a copy hereof be served upon E. G. Perry, Jr., President, Englewood Transit Company, 1125 West 46th Avenue, Denver, Colorado 80211, and it is hereby made respondent in this proceeding. The necessary suspension supplement shall be issued, filed and posted to the schedule referred to in the statement and findings herein.

7. That fourteen days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce in evidence in support

of its case.

8. That this Investigation and Suspension Docket No. 628 be, and the same hereby is, set for hearing before the Commission on the 16th day of April, 1969, at 10:00 o'clock a.m., in the hearing room of the Commission, 500 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 February, 1969. av

(Decision No. 72565)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
THE MESA VERDE COMPANY, THE MESA )  
VERDE NATIONAL PARK, COLORADO, FOR )  
A CERTIFICATE OF PUBLIC CONVENIENCE )  
AND NECESSITY TO OPERATE AS A COMMON )  
CARRIER BY MOTOR VEHICLE FOR HIRE. )

APPLICATION NO. 23565

-----  
February 20, 1969  
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Appearances: Gordon F. Garrett, Esq., Denver,  
Colorado, and  
Russell P. Kramer, Esq., Denver,  
Colorado, for Applicant;  
Alvin J. Meiklejohn, Jr., Esq.,  
Denver, Colorado, for Cortez  
Taxi & Transfer Co., Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 14, 1969, 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 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 for continuance was made by Applicant and agreed to by Protestant, which Motion was granted. Inasmuch as this application involves the City of Cortez and surrounding area, it should be heard in Cortez, Colorado."



The record transmitted by the Examiner discloses that a Motion for Continuance was made and that said Motion was granted and approved by the Examiner.

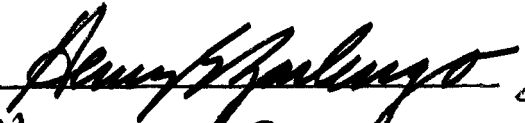
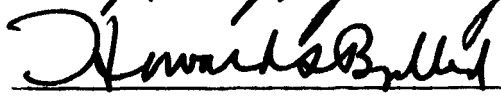
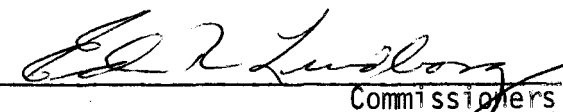
The ruling by the Examiner granting said Motion for Continuance is hereby confirmed by the Commission.

O R D E R

THE COMMISSION ORDERS:

That Application No. 23565, be, and is hereby, continued and reset for hearing on March 18, 1969, at 10:00 o'clock A.M., in the County Court, Courthouse, Cortez, Colorado, and that notice of said hearing be given to only the parties who entered their appearance as above set forth in the Appearance section of this Decision.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 20th day of February, 1969.  
gf

(Decision No. 72566)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
GARY R. GATES, 442 3RD STREET, )  
STEAMBOAT SPRINGS, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE )  
FOR HIRE. )

APPLICATION NO. 23415-PP

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-----  
February 20, 1969  
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Appearances: Gary R. Gates, Steamboat  
Springs, Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 18, 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

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

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;

- (2) Rough lumber

From sawmills in said fifty (50) 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

### O R D E R

#### THE COMMISSION ORDERS:

That Gary R. Gates, Steamboat Springs, 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 50 miles of said forests;

(2) Rough lumber

From sawmills in said 50 mile radius to markets in the State of Colorado.

#### RESTRICTION:

This Permit is restricted against the rendering of any town-to-town service;

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

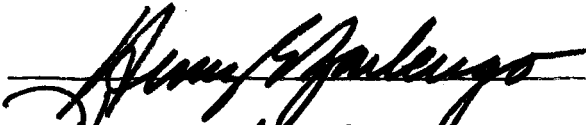
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.


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.


The 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

  
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Commissioners

Dated at Denver, Colorado,  
this 20th day of February, 1969.  
gf

(Decision No. 72567)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
HAROLD T. MOSS AND LENORA R. MOSS, )  
FOR AUTHORITY TO TRANSFER ALL THE )  
COMMON CAPITAL STOCK IN AND TO AURORA )  
MOVING AND STORAGE CO., INC., RECORD )  
OWNER OF PUC NO. 2241 AND PUC NO. )  
2241-I TO HARRY BERMAN AND V. E. )  
CARLSON, JR. )

APPLICATION NO. 23514-Stock Transfer

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February 20, 1969  
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Appearances: David R. Calvert, Esq., Aurora,  
Colorado, for Transferors;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Transferees.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By the above-entitled application, authority is sought to transfer all the common capital stock of Aurora Moving and Storage Co., Inc., record owner of PUC No. 2241 and PUC No. 2241-I from Harold T. Moss and Lenora R. Moss to Harry Berman and V. E. Carlson, Jr.

Said application, pursuant to prior setting after appropriate notice to all parties in interest, was heard at 505 Columbine Building, Denver, Colorado, at 10:00 A.M. on February 18, 1969, by Chairman Henry E. Zarlengo, and at the conclusion of the evidence, the matter was taken under advisement.

No intervention was filed or protest made in the matter.

Harold T. Moss testified in substance that he is president of the Applicant Aurora Moving and Storage Co., Inc.; that said corporation has its articles on file and is current in filing its reports with the Commission; that he and his wife own all the outstanding stock of said corporation; that Exhibits A and B, received in evidence, comprise the contract and a supplemental contract for the sale and purchase of all

outstanding stock to Harry Berman and V. E. Carlson, Jr.; and, that the said corporation has been operating since 1956 and is in sound financial condition.

Harry Berman testified in substance that he is one of the Transferees; that he is one-third owner of Amick Transfer and Storage Company; that he is familiar with the transportation business; that Exhibits A and B comprise the entire agreement for the sale of all the outstanding stock of the corporation to the Transferees; that all of the outstanding stock is owned by the Transferors; that a cash down payment in the sum of \$8,000 is to be made on the date of closing and the balance of the purchase price will be paid in monthly payments; that he has been connected with the moving business for approximately 20 years; that he has examined the books of the corporation and the financial condition, considering all aspects, is sound and the Company has good prospects for the future of a profitable operation; and, that he is worth approximately \$100,000 and is pledging his personal guarantee.

Vernon E. Carlson, Jr., one of the Transferees, testified in substance that he is president of City Storage & Transfer Inc. operating in Boulder, Colorado; that he knew the contents of Exhibits A and B and identified the same; that they represent the entire agreement for the sale and purchase of the stock; that he has inspected the books of the corporation; that he has a net worth of over \$100,000 and has pledged a personal guarantee for the performance of the agreement; and, that he would testify in substance the same to the same questions if asked as Mr. Berman has testified.

Mrs. Lenora R. Moss testified that she is a joint tenant with Harold T. Moss, her husband, as owners of all the outstanding common stock; that she has examined Exhibits A and B; and, that, if asked the same questions, would testify in substance the same as was testified to by Harold T. Moss.

The Commission finds that the corporation of which all the outstanding capital stock is sought to be transferred by this application is in sound condition and has complied with the rules and regulations of the

Commission; that the Transferees are fit and proper persons, will have ample and suitable equipment, and sufficient net worth to properly carry on and conduct operations under PUC No. 2241 and PUC No. 2241-I; that there is no outstanding indebtedness against said operations; that the proposed stock transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R

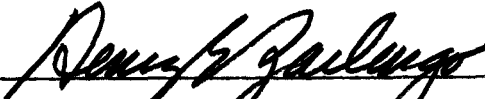

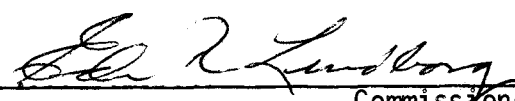
THE COMMISSION ORDERS:

That Harold T. Moss and Lenora R. Moss, be, and hereby are, authorized to transfer all the outstanding capital stock in and to Aurora Moving and Storage Co., Inc., record owner of PUC No. 2241 and PUC No. 2241-I, to Harry Berman and V. E. Carlson, Jr.

That said transfer of stock shall become effective only if and when, but not before, said Transferors and 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

  
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Commissioners

Dated at Denver, Colorado,  
this 20th day of February, 1969.  
gf



BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: TEN PERCENT INCREASE )  
COLORADO BUS INTRASTATE )  
PACKAGE EXPRESS RATES )  
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APPLICATION NO. 23596

SUPPLEMENTAL ORDER

-----  
February 20, 1969  
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STATEMENT

BY THE COMMISSION:

On February 18, 1969, the Commission entered its Decision No. 72556 in the above-entitled matter. The attention of the Commission has now been directed to the fact that, inadvertently, the Carrier listing of Respondent Carriers shows an error. The third and fourth Carriers listed therein should be as follows:

Colorado Springs-Limon Transportation Company  
(Art Walker, d/b/a)

Colorado Transportation Company (Rocky Mountain Motor  
Company, Inc. d/b/a)

FINDINGS

THE COMMISSION FINDS:

That Decision No. 72556, dated February 18, 1969, should be amended as set forth in the following Order.

ORDER

THE COMMISSION ORDERS:




That Decision No. 72556, dated February 18, 1969, be, and the same hereby is, amended nunc pro tunc, by substituting in the first paragraph, third and fourth Carriers, to read:

Colorado Springs-Limon Transportation Company (Art Walker, d/b/a)

Colorado Transportation Company (Rocky Mountain Motor Company, Inc.  
d/b/a)

That, except as herein amended, said Decision No. 72556 shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado, this  
20th day of February, 1969. av

(Decision No. 72569)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DWIGHT E. FOUST, DOING BUSINESS AS )  
"BRYANT TRANSFER," 119 EAST LINCOLN, ) APPLICATION NO. 23534-Extension  
BOX 2086, FORT COLLINS, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PUC NO. 4249. )  
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February 25, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Applicant;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Amick Transfer &  
Storage Co., Bekins Van & Storage  
Co., Buehler Transfer, Hoffman  
Transfer, Johnson Storage and  
Moving, and Weicker Transfer and  
Storage Company, Protestants;  
John P. Thompson, Esq., Denver,  
Colorado, for Drager Transfer and  
Storage Co., Ted Carpenter & Son,  
Denver-Loveland Transportation, Inc.,  
and Denver-Laramie-Walden Truck Line,  
Inc., Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 12, 1968, the above-entitled application was filed requesting authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 4249 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 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.

After some three or four hours of testimony, the parties entered into a Stipulation amending the application so as to request authority to 'transport pallets, lumber and lumber products between the plant site of Valley Pallet and Wooden Products, Inc., on the one hand, and points in the State of Colorado, on the other hand', which amendment, being restrictive in nature, was granted, whereupon, all Protestants withdrew."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their 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

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

1. Applicant is an individual, doing business as "Bryant Transfer", and presently holds authority from this Commission under Certificate of Authority PUC No. 4249 and PUC No. 7171-I.
2. Certificate of Authority PUC No. 7171-I is not involved in this proceeding and need have no further reference herein.
3. Certificate of Authority PUC No. 4249 presently provides as follows:

"UNDER: Decision No. 71446:

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

Between all points in the City of Fort Collins,  
Colorado.

RESTRICTION:

Restricted against the transportation of ashes, trash and other waste materials.

(2) Transportation of

Coal, feed, household goods and building materials

Between all points within Larimer County, Colorado.

RESTRICTION:

Restricted against the rendition of any service along U. S. Highway 287 between Fort Collins, Colorado and Berthoud, Colorado."

4. By this application, as amended as per Exhibit "6", Applicant seeks to extend his Certificate of Authority PUC No. 4249 to include:  
  
"Transportation of pallets, lumber and lumber products, between the plant site of Valley Pallet and Wooden Products, Inc., on the one hand, and, on the other, points in the State of Colorado."
5. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
7. There is a present or special need for the proposed service and the granting of the extension, as hereinafter set forth, will be in the public interest.
8. There is presently no service available in the area to which extension is sought.
9. The present or future public convenience and necessity requires or will require the extended service as hereinafter set forth.
10. The extension of the authority will be in the public interest and should be granted as hereinafter set forth.

EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend his authority under Certificate of Authority PUC No. 4249 to include the following:

"Transportation of pallets, lumber and lumber products, between the plant site of Valley Pallet and Wooden Products, Inc., on the one hand, and, on the other, points in the State of Colorado."

That henceforth the full and complete authority under Certificate of Authority PUC No. 4249 shall read and be as follows, to-wit:

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

Freight

Between all points in the City of Fort Collins, Colorado.

RESTRICTION:

Item No. 1 of this certificate is restricted against the transportation of ashes, trash and other waste materials.

(2) Transportation of

Coal, feed, household goods and building materials

Between all points within Larimer County, Colorado.

RESTRICTION:

Item No. 2 of this certificate is restricted against the rendition of any service along U.S. Highway 287 between Fort Collins, Colorado, and Berthoud, Colorado.

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

Pallets, lumber and lumber products

Between the plant site of Valley Pallet and Wooden Products, Inc., on the one hand, and, on the other, points in the 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dwight E. Foust, doing business as "Bryant Transfer," Fort Collins, Colorado, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 4249 to include the following:

Transportation of pallets, lumber and lumber products, between the plant site of Valley Pallet and Wooden Products, Inc., located near Fort Collins, Colorado, on the one hand, and, on the other, points in the State of Colorado.

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 4249, as extended, shall read and be as follows, to-wit:

Transportation -- on call and demand -- of

(1) Freight

Between all points within the City of Fort Collins, State of Colorado;

RESTRICTION:

Item 1 of this certificate is restricted against the transportation of ashes, trash and other waste materials.

(2) Coal, feed, household goods and building materials

Between all points within Larimer County, State of Colorado;

RESTRICTION:

Item 2 of this certificate is restricted against the rendering of any transportation service along U.S. Highway 287 between Fort Collins, Colorado, and Berthoud, Colorado.

(3) Pallets, lumber and lumber products

Between the plant site of the Valley Pallet and Wooden Products, Inc., located near Fort Collins, Colorado, on the one hand, and, on the other, points in the State of Colorado.


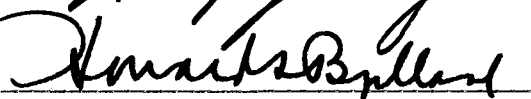

That Applicant shall file tariffs of rates, rules and regulations as required by the rules and regulations of this Commission within twenty days from date.

That Applicant shall operate 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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 25th day of February, 1969.  
1s



(Decision No. 72570)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE PETITION OF )  
THE DENVER AND RIO GRANDE WESTERN )  
RAILROAD COMPANY TO WITHDRAW ITS )  
AGENCY AT OLATHE, COLORADO. )  
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APPLICATION NO. 23508

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February 25, 1969  
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S T A T E M E N T

BY THE COMMISSION:

Pursuant to Rule No. 6 of this Commission's Rules and Regulations Pertaining to Railroads and Express Companies operating in the State of Colorado, The Denver and Rio Grande Western Railroad Company (Rio Grande) did on November 26, 1968, file an application seeking authority to close and withdraw the agency station maintained for rail service at Olathe, Montrose County, Colorado.

Olathe (Population 773) is located on the Rio Grande Montrose Branch line extending from Grand Junction via Delta and Olathe to Montrose. Open agency stations are maintained at Delta -- 11 miles north, and at the Montrose terminal which is 10 miles to the south from Olathe. It is also situated near the junction of U.S. Highway No. 50 and Colorado No. 348.

Olathe is served by an Agent between 8:30 A.M. and 5:30 P.M. on Mondays through Fridays. Normal rail service consists of a Local switch train operated three times weekly from Grand Junction to Montrose and return; during fall harvest season, daily service is provided during October, November and December for sugar beet movement into Delta. There are no passenger trains operated over this line. Train movements are controlled by the Main line dispatcher at Grand Junction so that no train orders are required at the Olathe office.

Applicant states the Agency Station at Olathe is not necessary for operational purposes of the railroad; that there is no milk and cream or passenger business handled at the station; and that the current freight business can be handled by the Agent at Montrose; hence, proposal for closing the station is made on the basis that only minor public convenience and necessity is involved and that non-productive station expense may be eliminated. Supporting explanatory information was offered for Commission consideration. Proposed effective date for requested station closing is January 1, 1969.

In conformance with the Commission rules herein, public notice of the requested change was posted at the Olathe Station on November 27, 1968. Said notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. Thereafter protest correspondence was received from:

Town of Olathe  
Montrose County Technical Action Panel  
W. J. Waldow--Distributor Onion Seeds  
Olathe Potato Growers Co-op Association

asking that Commission consideration be directed to community needs and future welfare; the efficiency of proposed service, and inconvenience of handling shipping documents through the Montrose station.

In Commission review of the instant matter it has been determined that rail service for spotting and picking up cars will be continued; that only carload traffic is directly involved, since Less than Carload (LCL) traffic is handled in both truckload and less-than-truckload shipments by Rio Grande Motorway, Inc.; that REA Express, which is also moving in truck service, is only handled at the station on a joint basis by the Olathe agent, and that in the future, these same duties will be performed by the railroad agent at Montrose.

In addition, more complete explanation of future service has been provided by Rio Grande officials to the Montrose County Technical Action Panel and to the Olathe Town Council. Also, as a result of further conferences with the principal patrons of the station, Rio Grande has been able

to develop a satisfactory method to pick up bills of lading through the Delta headquarters of the companies shipping beets and barley from Olathe to Delta. Arrangements have also been made with the Potato Growers Co-operative Association to get their bills of lading to Montrose where the Association does its banking. It appears too that during the past fall season there was a slow movement of the onion crop, which is handled from storage by the Co-operative Association; therefore, the station is proposed to be kept open this year to March 15th in order to substantially clear up this delayed shipping movement.

Following the above conferences and related review of station operation, the Commission has now received notice of protest withdrawals as follows:

Town of Olathe --

"----Following a special meeting of the Olathe Town Council with J. L. Wells, District Manager for the D&RG Railroad Company, the matter (station closing) was reconsidered and the Town Council decided to withdraw their protest.----"

The Olathe Potato Growers Co-operative Association --

"---after more consideration of the problems of the railroad and in anticipation of working out an agreeable compromise with them, we hereby withdraw our letter of protest to the closing of the Olathe Depot."

Montrose Technical Action Panel --

"---Under these circumstances, (that the PUC find that service to Olathe can be provided efficiently by using an agent at another location) you may consider this letter a withdrawal of any formal objections that might have been construed to our letter of December 10, 1968."

Meanwhile, further review of the year-around station operation has shown that 929 carloads were handled in 1967; of which 776 carloads, consisting largely of sugar beets to Delta, were moved during October, November and December, or an average of 259 cars per month. During January, February, March and April, the total was 116 carloads or an average of 29 cars per month; and for the remaining months there was the following:

May	10 cars	July	4 cars	September	12 cars
June	8 cars	August	3 cars		

Hence, it becomes apparent that there is a problem of only a minor amount of work to be performed at the station during the larger part of the year, and which involved station expense of: \$7,913 in 1966; \$8,439 in 1967 and \$4,467 in 1968 (6 Months).

In connection with the instant protest withdrawals, we note that simplified methods for handling Bills of Lading have already been developed as a result of the railroad-shipper conferences, and that further compromise procedures are being worked out. On the basis that these negotiations have been directed toward the principal consideration of providing continued switching service and movement of the carload freight needs of the area, we must conclude that the development of new procedures as noted and elimination of non-productive station expenses are indicative of the operating efficiencies which both the utility management and this Commission are obligated to provide for the public benefit.

Furthermore, in considering the fundamentals of public convenience and necessity, we note the provisions for alternate service from the nearby agency offices of Delta or Montrose; that essential functions of freight haulage and switching movements will not be changed; that telephone toll calls for handling of rail road business will be accepted at the Montrose Agency office which is open six days per week to handle the needs of the public; and that Motorway truck operations will continue for the handling of the onion seed shipments and other less than carload needs at Olathe.

In the continuation of rail service to meet the public needs, the Commission is aware of the fact that for the carload movements of grains, sugar beets, livestock, gasoline, feeds, fertilizer and general freight commodities, the routine details of billing and collections can be readily handled at a station other than the actual point of origin or destination. Further, there are standard procedures which are also available for the establishment of railroad credit whereby the customary requirement of freight prepayment to non-agency stations may be waived.

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

### F I N D I N G S

#### THE COMMISSION FINDS:

That the foregoing Statement is hereby made a part of these Findings by reference.

That safe and economical railroad operation does not require the maintenance of an agent at the Olathe station, Montrose County, Colorado.

That there will be a continuation of rail service, local switching movements and trackage facilities.

That alternate agency service will be available according to customer needs through the agency stations of Delta and Montrose, Colorado.

That motor carrier services of Rio Grande Motorway, Inc., for movement of L.C.L. traffic will be continued.

That movement of R.E.A. Express shipments in truck service will be continued, with business details to be handled on a joint basis by the railroad agent at Montrose, Colorado.

That the expenses involved in maintaining an Agent at Olathe are not justified in view of the proposed change; which, with only minor inconvenience on the whole, will be adequate to meet public requirements of the local area.

That the public convenience and necessity no longer require the continued operation of an Agency station at Olathe, Colorado, by Applicant, The Denver and Rio Grande Railroad Company, and authority for Agency discontinuance should be granted.

### O R D E R

#### THE COMMISSION ORDERS:

That Applicant herein, The Denver and Rio Grande Western Railroad Company be, and is hereby authorized to discontinue its Agency service at

Olathe, Montrose County, Colorado, effective March 15, 1969, and to henceforth maintain same as a non-agency prepay station served through the Agency office at Montrose, Colorado.

That during any times of seasonal rush, or unforeseen demand for station service, necessary personnel on a temporary basis, may be brought in and withdrawn in order to meet the public needs.

That continued handling of Railway Express business, as moving by truck service, shall be provided on a joint basis through the Railroad Agency at Montrose, Colorado.


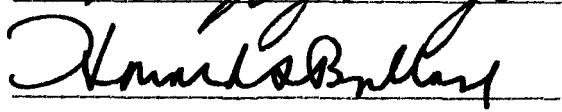

That charges for telephone calls of Olathe patrons relative to railroad business shall be accepted by the Agency stations of Applicant at Delta or Montrose, Colorado.

That reference shall be made to this Decision in the respective agency tariff schedules to show closing of the Olathe railroad office and as authority for the alternate station service.

That the Commission shall retain jurisdiction in this matter and make such further order or orders as may be required.

That this Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 25th day of February, 1969.

1s

(Decision No. 72571)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF	)	
WYCOFF COMPANY, INCORPORATED, 556	)	
SOUTH 2ND WEST STREET, SALT LAKE CITY,	)	<u>APPLICATION NO. 23423-PP</u>
UTAH, FOR A CLASS "B" PERMIT TO OPER-	)	
ATE AS A PRIVATE CARRIER BY MOTOR	)	
VEHICLE FOR HIRE.	)	

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February 25, 1969  
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Appearances: Truman A. Stockton, Esq., Denver,  
Colorado, for Applicant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On September 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

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

1. Applicant is a Utah corporation duly authorized to do business in the State of Colorado.
2. Applicant presently holds authority from this Commission under PUC No. 7155-I and M-10569.
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

Newspapers

From Denver, Colorado, to all points located on U.S. Highway No. 40 west of Denver, Colorado, and Colorado Highway No. 84 and Colorado Highway No. 131 north of Toponas, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith,



makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Wycoff Company, Incorporated, Salt Lake City, Utah, be, and hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the following:

Transportation of

Newspapers

From Denver, Colorado, to all points on U.S. Highway 40 west of Denver, Colorado, with the right to serve those points located on Colorado Highway 84, and those points located on Colorado Highway 131 between Toponas and the junction of Colorado Highway 131 and U.S. Highway 40;

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


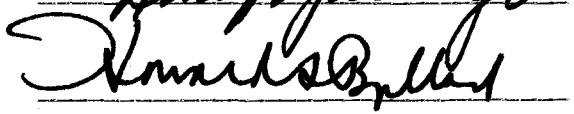
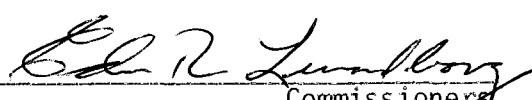
That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

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

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

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 25th day of February, 1969.

1s

(Decision No. 72572)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION )  
OF DOYLE R. MOON, HAYDEN, COLORADO, ) APPLICATION NO. 23520-PP-Extension  
FOR AUTHORITY TO EXTEND OPERATIONS ) AMENDED  
UNDER PERMIT NO. B-6103. )  
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February 26, 1969  
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Appearances: Doyle R. Moon, Hayden,  
Colorado, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 20, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-6103 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 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

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

1. Applicant is an individual.
2. Applicant presently holds authority from this Commission under Permit No. B-6103, which reads as follows:

"UNDER: Decision No. 56116

Transportation of

sand, gravel, and other road-surfacing materials used in the construction of roads and highways,

from pits and supply points in the State of Colorado, to road jobs, mixer and processing plants within a radius of one hundred miles of said pits and supply points;

sand and gravel

from pits and supply points in the State of Colorado, to railroad loading points, and to homes and small construction jobs within a radius of one hundred miles of said pits and supply points;

sand, gravel, dirt, stone and refuse,

from and to building construction jobs, to and from points within a radius of one hundred miles of said jobs;

insulrock

from pits and supply points in the State of Colorado, to roofing jobs within a radius of one hundred miles of said pits and supply points,

transportation of road-surfacing materials being restricted against the use of tank vehicles.

Decision No. 56864: Transportation of

coal,

from strip mine operated by Edward Lasnik, approximately 14 miles from Hayden, Colorado, to the tipple at Hayden, Colorado.

Decision No. 65920: Transportation of

logs, poles and timber products,

from forests to sawmills, places of storage, and loading points within a radius of 150 miles of said forests;

rough lumber,

from sawmills in said 150-mile radius to markets in the State of Colorado, with no town-to-town service."

3. The strip mine operated by Edward Lasnik, presently included in Applicant's authority, has gone out of operation and it is necessary for Applicant to obtain coal from various mines in both Routt and Moffat Counties in order to continue serving his customers.
4. In extending this authority as applied for, the present authority to transport coal "from strip mine operated by Edward Lasnik, approximately 14 miles from Hayden, Colorado, to the tipple at Hayden, Colorado" can be deleted from the authority.
5. The authority to which extension is hereby sought, Permit No. B-6103, has been continually operated in the past and is presently in good standing with the Commission.
6. By this application, Applicant seeks to extend the authority under Permit No. B-6103 to include the following:

"Transportation of coal between all points within an area comprised of the Counties of Routt and Moffat, State of Colorado."
7. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
8. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
9. Applicant is familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicant has or will make adequate provision for insurance.
10. The 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.
11. 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.
12. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-6103 to include:

"Transportation of coal between all points within an area comprised of the Counties of Routt and Moffat, State of Colorado."

That henceforth the entire authority under Permit No. B-6103 shall be 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:

Item Nos. 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road surfacing materials.

- (5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 150 miles of said forests;

- (6) Rough lumber

From sawmills within a 150 mile radius of forests to markets in the State of Colorado;

RESTRICTION:

Item Nos. 5 and 6 of this Permit are restricted against rendering town-to-town service.

- (7) Coal

Between all points within an area comprised of the Counties of Routt and Moffat, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as herein-after modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Doyle R. Moon, Hayden, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-6103 to include the following:

Transportation of coal between all points within an area comprised of the following Counties of the State of Colorado: Routt and Moffat.

That henceforth the full and complete authority under Private Carrier Permit No. B-6103 as extended 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 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:

Items 1, 2, 3, and 4 of this Permit are restricted against the use of tank vehicles when transporting road surfacing materials.

(5) Logs, poles and timber products

From forests to sawmills, places of storage and loading points within a radius of 150 miles of said forests;

(6) Rough lumber

From sawmills within a 150 mile radius of forests to markets in the State of Colorado.

RESTRICTION:

Items 5 and 6 of this Permit are restricted against the rendering of town-to-town service.

(7) Coal

Between all points within the following Counties of the State of Colorado: Routt and Moffat.


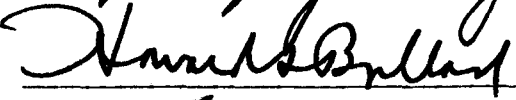

That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this permit deemed advisable.

That this Order is made a part of the permit granted to Applicant.

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance and has secured authority sheets.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 26th day of February, 1969.

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(Decision No. 72573)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
WESTERN TRUCKING CO., INC., DOING )  
BUSINESS AS "WESTERN TRUCKING CO.," )  
1262 60TH STREET, BOULDER, COLORADO, )  
FOR AUTHORITY TO EXTEND OPERATIONS )  
UNDER PERMIT NO. B-4724. )

APPLICATION NO. 23535-PP-Extension

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February 26, 1969  
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Appearances: Hans W. Johnson, Esq., Denver,  
Colorado, for Applicant;  
Peter J. Crouse, Esq., Denver,  
Colorado, for Don Ward, Inc.,  
Protestant.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 16, 1968, the above-entitled application was filed requesting authority to extend operations under Private Carrier Permit No. B-4724 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 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 Don Ward, Inc.

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.

The file reflects the fact that a Protest was filed by Atwood Truck Line, Inc. under date of January 28, 1969, through its attorney, William M. Griffith; however, no one appeared at the time of the hearing for or in behalf of said Protestnat and said Protest was, therefore, stricken and dismissed.

Prior to the hearing, Applicant amended its application and particularly Paragraph 5 thereof so as to restrict the pick up area

'From any point within the State of Colorado, east of the Continental Divide.'

The effect of the amendment was to restrict the pick up area to points within the State of Colorado east of the Continental Divide rather than the entire State of Colorado. This amendment, being restrictive in nature and not objected to by Protestant, was granted. However, Protestant remained a party to the proceeding."

All motions granted or denied by the Examiner, if any, are hereby confirmed.

Specifically, the submitted Examiner's Findings of Fact and Conclusions read as follows, to-wit:

EXAMINER FINDINGS OF FACT

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

1. Applicant is a Colorado corporation and presently holds authority from this Commission under Permit No. B-4724, which provides as follows:

"UNDER: Decision No. 71884

Transportation -- on call and demand -- 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 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 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 50 miles of said jobs;

(4) Insulrock

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

RESTRICTION:

All transportation to be rendered under Items 1, 2, 3 and 4 is restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Coal

From mines in the Northern Colorado coal fields to the Valmont Plant of Public Service Company located near Boulder, Colorado; Kuner-Empson and Great Western Sugar Company plants within a fifty (50) mile radius of Boulder, Colorado; The Rocky Mountain Arsenal, located northeast of Denver, Colorado; and to Denver Federal Center, Denver, Colorado;

(6) Bulk Cement

From Lyons, Colorado, to Longmont, Colorado, and Boulder, Colorado.

RESTRICTION:

All transportation to be rendered under Item 6 is restricted to service for only the C & M Ready Mix Concrete Co., of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado."

2. By this application, as amended, Applicant seeks to extend Item (6) of Permit No. B-4724 so as to

"transport bulk cement from all points in the State of Colorado east of the Continental Divide to Longmont and Boulder, Colorado"

containing, however, the present restriction that

"all transportation to be rendered thereunder is restricted to service for only the C & M Ready Mix Concrete Co., of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado."

3. The authority to which extension is hereby sought, Permit No. B-4724, has been continually operated in the past and is presently in good standing with the Commission.
4. The application was protested by Don Ward, Inc., which holds authority from this Commission pursuant to Exhibit No. 5, which was admitted into evidence and which will not be reiterated in these Findings of Fact. Exhibit No. 5 was admitted with the understanding and restriction that only common carrier certificated authority would be considered and not private carrier authority.

5. Protestant, Don Ward, Inc., presently holds authority to perform the services sought to be rendered by this application; however, for the reasons hereinafter stated, this application should be granted over the protest of said Protestant.
6. Applicant presently performs private carrier services for the two customers listed under its sand and gravel authority as well as its present authority to haul bulk cement which is presently restricted to "pick up" from Lyons, Colorado, only.
7. The bulk cement plant at Lyons, Colorado, does not produce certain types of cement required by Applicant's customers and in order for Applicant to properly serve said customers, it is necessary that Applicant be able to "pick up" bulk cement at other supply plants located at various points and places in the State of Colorado east of the Continental Divide.
8. Because of the limited storage facilities of Applicant's named customers, said customers often require a specialized service on short notice at any time of the day or night. Applicant will furnish such service.
9. New developments, both commercial and residential in and about the Boulder and Longmont areas, presently require and will require in the future additional types and, in some cases, better grades of bulk cement that can be obtained at the Lyons plant.
10. By having the specialized services of the Applicant, C & M Ready Mix Concrete Co. of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado, can better serve the needs of the public to whom their products are sold.
11. The named customers in the application (C & M Ready Mix Concrete Co. of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado) sell a perishable product and, therefore, require considerable control over the acquisition of raw materials used in producing said product, particularly bulk cement.
12. Because of the different types of cement as well as differences in quality, the customers served by this Applicant require the availability of bulk cement from various supply points, and it would be of public benefit and interest for this to be available to them.
13. If this application were not granted, the named customers in the application (C & M Ready Mix Concrete Co. of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado), because of the specialized nature of their transportation requirements, would be required to furnish their own transportation under an "M" Permit which they presently hold and it is not their desire to do so.

14. Protestant, Don Ward, Inc., does not have a terminal or equipment stationed in either Boulder or Longmont and said Protestant would not be able to meet the needs of the customers that would be served if this application were granted.
15. The proposed operation and the granting of this application will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes, including Protestant, Don Ward, Inc.
16. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicant.
17. Applicant has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority applied for herein.
18. 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.
19. 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.
20. The granting of the authority will be in the public interest and should be granted as hereinafter set forth.

#### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Applicant to extend operations under Permit No. B-4724 to include:

"Transportation of bulk cement from all points in the State of Colorado east of the Continental Divide to Longmont, Colorado, and Boulder, Colorado, restricted to service for only the C & M Ready Mix Concrete Co. of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado."

That henceforth the full and complete authority under Permit No. B-4724 shall be as follows:

"Transportation -- on call and demand -- 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 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 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 50 miles of said jobs;

(4) Insulrock

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

RESTRICTION:

All transportation to be rendered under Items 1, 2, 3 and 4 is restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Coal

From mines in the Northern Colorado coal fields to the Valmont Plant of Public Service Company located near Boulder, Colorado; Kuner-Empson and Great Western Sugar Company plants within a fifty (50) mile radius of Boulder, Colorado; the Rocky Mountain Arsenal, located northeast of Denver, Colorado; and to Denver Federal Center, Denver, Colorado;

(6) Bulk Cement

From all points in the State of Colorado east of the Continental Divide to Longmont, Colorado, and Boulder, Colorado;

RESTRICTION:

All transportation to be rendered under Item 6 is restricted to service for only the C & M Ready Mix Concrete Co., of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Western Trucking Co., Inc., doing business as "Western Trucking Co.," Boulder, Colorado, be, and hereby is, authorized to extend operations under Private Carrier Permit No. B-4724 to include the following:

Transportation of bulk cement from all points in the State of Colorado east of the Continental Divide to Longmont, Colorado, and Boulder, Colorado, restricted to service for only the C & M Ready Mix Concrete Co. of Boulder, Colorado, and the Arapahoe Concrete Materials, Inc., of Longmont, Colorado.

That henceforth the full and complete authority under Private Carrier Permit No. B-4724, as extended, 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 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 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 50 miles of said jobs;

- (4) Insulrock

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

RESTRICTION:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Coal

From mines in the Northern Colorado coal fields to (a) the Valmont Plant of Public Service Company located near Boulder, Colorado; (b) Kuner-Empson and Great Western

Sugar Company Plants located within a fifty (50) mile radius of Boulder, Colorado; (c) the Rocky Mountain Arsenal located northeast of Denver, Colorado; and (d) Denver Federal Center located at Denver, Colorado;

(6) Bulk Cement

From all points in the State of Colorado east of the Continental Divide to Longmont, Colorado and Boulder, Colorado;

RESTRICTION:

Item 6 of this Permit is restricted to the rendering of transportation service for only the following-named customers:

- a. C & M Ready Mix Concrete Co. of Boulder, Colorado; and
- b. Arapahoe Concrete Materials, Inc., of Longmont, Colorado.




That this Order is made a part of the permit granted to Applicant.

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

That this Order shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, and has secured authority sheets.

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 26th day of February, 1969.  
gf

(Decision No. 72574)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DALE E. GRAHAM, ROUTE 2, BOX 280, )  
LONGMONT, COLORADO, FOR AUTHORITY )  
TO TRANSFER PERMIT NO. B-7269 TO )  
WALTER E. CUSHMAN, DOING BUSINESS )  
AS "W. E. CUSHMAN," 9190 JOTIPA )  
DRIVE, LONGMONT, COLORADO. )

APPLICATION NO. 23560-PP-Transfer

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February 26, 1969  
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Appearances: Dale E. Graham, Longmont,  
Colorado, Transferor, pro se;  
Walter E. Cushman, Longmont,  
Colorado, Transferee, pro se.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 14, 1969, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-7269.

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

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

1. Transferor is an individual.
2. Transferor herein is the present owner and operator of Permit No. B-7269, 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. Transferee herein holds no previously granted authority from this Commission other than Permit No. M-743 under the name of W. E. Cushman, only.
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 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. 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 the 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 authorizing Transferor to transfer all of his right, title and interest in and to Permit No. B-7269 to Walter E. Cushman, doing business as "W. E. Cushman," and that henceforth the full and complete authority under said Permit No. B-7269 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 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:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

(5) Natural Fertilizer

From all points within the Counties of Weld, Boulder and Larimer, State of Colorado, to points within a 100 mile radius of said points;

(6) Coal

From mines within the State of Colorado to the Valmont Plant of the Public Service Company of Colorado located at Boulder, Colorado;

(7) Farm products

Between all points within Weld, Larimer and Boulder Counties, State of Colorado, on the one hand, and points in the State of Colorado, on the other hand;

RESTRICTION:

Item 7 of this Permit shall be restricted against the transportation of livestock, bulk milk and dairy 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 of the Examiner, as hereinabove set forth, and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That Dale E. Graham, Longmont, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-7269 to Walter E. Cushman, doing business as "W. E. Cushman," Longmont, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-7269 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 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:

Items 1, 2, 3 and 4 of this Permit are restricted against the use of tank vehicles when transporting road-surfacing materials.

- (5) Natural Fertilizer

From all points within the following Counties of the State of Colorado: Weld, Boulder and Larimer, to points within a 100 mile radius of said points;

- (6) Coal

From mines within the State of Colorado to the Valmont Plant of the Public Service Company of Colorado located at Boulder, Colorado;

(7) Farm products

Between all points within the following Counties of the State of Colorado: Weld, Larimer and Boulder, on the one hand, and points in the State of Colorado, on the other hand;

RESTRICTION:

Item 7 of this Permit is restricted against the transportation of livestock, bulk milk and dairy products.


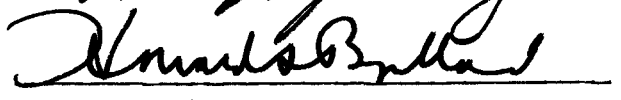

That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

That 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.

That this Order is made a part of the permit authorized to be transferred.

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 26th day of February, 1969.

gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
JOE F. MAZZOTTI, 7360 RACE STREET, )  
DENVER, COLORADO. )  
----- )

PERMIT NO. B-6091

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February 25, 1969  
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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.


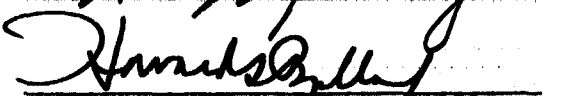
O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of February 24, 1969.

( S E A L )

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 25th day of February 1969.

(Decision No. 72576)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
LELAND WAGSTAFF, TABIONA, UTAH, FOR )  
A CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )  
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APPLICATION NO. 23500-PP

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February 26, 1969  
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STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On November 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 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.

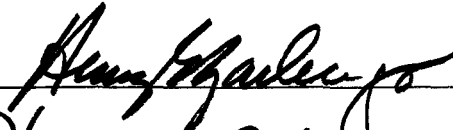


O R D E R

THE COMMISSION ORDERS:

That Application No. 23500-PP be, and the same is hereby,

dismissed forthwith.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 26th day of February, 1969.  
bk

(Decision No. 72577)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
KENMAC VAN & STORAGE, INC., BOX 323, )  
LAWTON, OKLAHOMA, FOR AUTHORITY TO )  
TRANSFER INTERSTATE OPERATING RIGHTS )  
TO OLNEY VAN & STORAGE, INC., 7207 )  
PROSPECT AVENUE, KANSAS CITY, MISSOURI.)  
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PUC NO. 1086-I - Transfer

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February 26, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore Kenmac Van & Storage, Inc., Lawton, Oklahoma, was granted a certificate of public convenience and necessity, being PUC No. 1086-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate-holder now seeks authority to transfer said PUC No. 1086-I to Olney Van & Storage, Inc., Kansas City, Missouri.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, 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 Kenmac Van & Storage, Inc., Lawton, Oklahoma, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 1086-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to Olney Van & Storage, Inc., Kansas City, Missouri, 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

  
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Commissioners

Dated at Denver, Colorado,  
this 26th day of February, 1969.

bk

(Decision No. 72578)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
DC INTERNATIONAL, INC., 3888 EAST )  
45TH AVENUE, DENVER, COLORADO, FOR )  
AUTHORITY TO TRANSFER INTERSTATE )  
OPERATING RIGHTS TO T.I.M.E.-DC, INC., )  
2598 74TH STREET, LUBBOCK TEXAS. )  
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PUC NO. 702-I - Transfer

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February 26, 1969  
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STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, DC International, Inc. was granted a certificate of public convenience and necessity, being PUC No. 702-I, authorizing operation as a common carrier by motor vehicle for hire:

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.

Said certificate holder now seeks authority to transfer said PUC No. 702-I to T.I.M.E.-DC, Inc., Lubbock, Texas.

Inasmuch as the records and files of the Commission fail to disclose any reason why said transfer should not be authorized, the Commission states and finds that the proposed transfer is compatible with the public interest, and should be authorized, as set forth in the Order following.

O R D E R



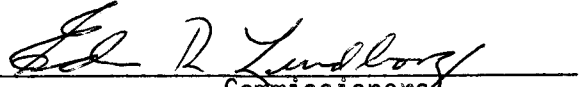
THE COMMISSION ORDERS:

That DC International, Inc., Denver, Colorado, be, and hereby is, authorized to transfer all right, title and interest in and to PUC No. 702-I -- with authority as set forth in the Statement preceding, which is made a part hereof by reference -- to T.I.M.E.-DC, Inc., Lubbock, Texas, subject to encumbrances against said operating rights, if any, approved by

this Commission, and subject to the provisions of the Federal Motor Carrier Act of 1935, as amended.

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

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 26th day of February, 1969.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P. O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 360 AND PUC NO. 360-I TO )  
DON WARD, INC., 241 WEST 56TH AVENUE, )  
DENVER, COLORADO. )

APPLICATION NO. 23479-Transfer

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IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P. O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 848 TO DON WARD, INC., 241 )  
WEST 56TH AVENUE, DENVER, COLORADO. )

APPLICATION NO. 23480-Transfer

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IN THE MATTER OF THE APPLICATION OF )  
MONTEZUMA TRUCK LINES, INC., 873 )  
EAST THIRD (P. O. BOX 637), DURANGO, )  
COLORADO, FOR AUTHORITY TO TRANSFER )  
PUC NO. 889 TO DON WARD, INC., 241 )  
WEST 56TH AVENUE, DENVER, COLORADO. )

APPLICATION NO. 23481-Transfer

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February 27, 1969  
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Appearances: Leslie R. Kehl, Esq., Denver,  
Colorado, for Transferor;  
Peter J. Crouse, Esq., Denver,  
Colorado, for Transferee;  
Braucher and Walker, Esqs., Denver,  
Colorado, for Rio Grande Motor  
Way, Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On February 3, 1969, the Commission entered Decision No. 72501 in the above-entitled matters, authorizing the transfer of PUC No. 360, PUC No. 360-I, PUC No. 848, and PUC No. 889 from Montezuma Truck Lines, Inc. to Don Ward, Inc.

It now appears that the Commission, through inadvertence in setting forth the authority contained under Certificate of Public Convenience and Necessity PUC No. 848, omitted a portion of said authority.

In view of the above and foregoing, the Commission states and finds that Decision No. 72501, dated February 3, 1969, should be amended as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That Decision No. 72501 be, and the same hereby is, amended nunc pro tunc, as of February 3, 1969, by striking therefrom the entire authority under Certificate of Public Convenience and Necessity PUC No. 848 appearing on page 6 of the Order thereof and inserting in lieu thereof the following:

That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 848 shall read and be as follows, to-wit:

"Transportation -- on call and demand -- of

Farm products (including livestock), farm supplies, coal, sand and gravel, and road contractor's supplies


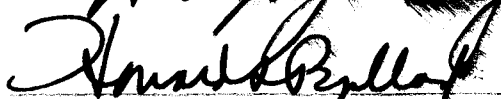
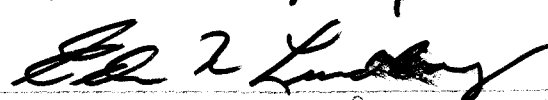
Between all points within an area commencing at the Colorado-Utah-New Mexico-Arizona State Line; thence north along the Colorado-Utah State Line a distance of 81.5 miles; thence east 59 miles to a point; thence south 82.5 miles to the Colorado-New Mexico State Line; thence west along the Colorado-New Mexico State Line to the point of beginning and to and from said points from and to points within the State of Colorado.

RESTRICTIONS:

- A. Restricted against the rendering of any transportation service when in competition with scheduled line-haul carriers.
- B. No transportation service shall be rendered herein between points within the City of Cortez, State of Colorado."

That, except herein amended, Decision No. 72501 shall remain in full force and effect

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado  
this 27th day of February, 1969

(Decision No. 72580)

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
JOHN L. SHUPE AND IVAN D. SHUPE, )  
DOING BUSINESS AS "SHUPE BROS.," )  
2600 BY PASS, GREELEY, COLORADO, )  
FOR AUTHORITY TO TRANSFER PERMIT )  
NO. B-4641 TO SHUPE BROS. CO., A )  
COLORADO CORPORATION, 2600 BY PASS, )  
GREELEY, COLORADO. )

APPLICATION NO. 23552-PP-Transfer

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February 27, 1969  
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Appearances: Charles A. Karowsky, Esq.,  
Greeley, Colorado for  
Applicants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On December 23, 1968, the above-entitled application was filed requesting authority to transfer Private Carrier Permit No. B-4641.

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

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

1. Transferors are a partnership doing business as "Shupe Bros."
2. Transferors herein are the present owners and operators of Permit No. B-4641, 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. Transferee corporation presently holds authority from this Commission under Permit No. M-2593 and PUC No. 2604-I.
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 sole purpose of this proceeding is to transfer the authority from the partnership to corporate ownership. There will be no change in management or operation.
7. The Permit is free and clear of any debts, encumbrances or obligations.
8. Transferee corporation has sufficient equipment, experience and net worth, all of which are ample and suitable for operation of the authority sought herein.
9. The chief corporate officers as well as the employees of the Transferee corporation 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 and have or will make adequate provision for insurance.
10. If this transfer is approved, Transferee corporation intends to and will engage in bona fide motor carrier operations under the operating rights set forth herein.
11. The transfer is compatible with the public interest and should be granted as hereinafter set forth.

### EXAMINER CONCLUSIONS

That the Commission make and enter its Order authorizing Transferors to transfer all of their right, title and interest in and to Permit No. B-4641 to Shupe Bros. Co., a Colorado corporation, and that henceforth the full and complete authority under said Permit No. B-4641 shall read as follows, to-wit:

"Transportation of

- (1) Grain, feed, peat moss and farm produce

Between all points within a seventy (70) mile radius of Longmont, Colorado, and from said points to all points within the State of Colorado.

RESTRICTION:

No office shall be established for the purpose of developing or conducting business in any city or town other than 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 Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.

O R D E R

THE COMMISSION ORDERS:

That John L. Shupe and Ivan D. Shupe, doing business as "Shupe Bros.," Greeley, Colorado, be, and hereby are, authorized to transfer all right, title and interest in and to Private Carrier Permit No. B-4641 to Shupe Bros. Co., a Colorado corporation, Greeley, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

That henceforth the full and complete authority under Private Carrier Permit No. B-4641 shall read and be as follows, to-wit:

Transportation of

Grain, feed, peat moss and farm produce

Between all points within a seventy (70) mile radius of Longmont, Colorado, and from said points to all points within the State of Colorado.

RESTRICTION:

The holder or operator herein is prohibited, without further Order from this Commission, from establishing an office in any other city or town than Greeley, Colorado; and further is prohibited, without further order from this Commission, from having an Agent employed in any other city or town than Greeley, Colorado, for the purpose of developing or conducting business.




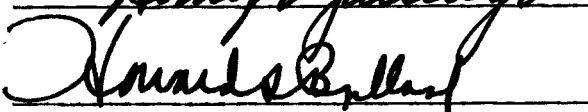
That said transfer shall become effective only if and when, but not before, said transferor and transferee, in writing, have advised the Commission that said permit has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of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

  
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Commissioners

Dated at Denver, Colorado,  
this 27th day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

IN THE MATTER OF THE APPLICATION OF )  
ALBERT LeROY RIDDELL AND HARVEY )  
DANIAL REEME, DOING BUSINESS AS "4K'S )  
FLORIST DELIVERY," 4595 SOUTH ELATI )  
STREET, ENGLEWOOD, COLORADO, FOR A )  
CLASS "B" PERMIT TO OPERATE AS A )  
PRIVATE CARRIER BY MOTOR VEHICLE FOR )  
HIRE. )

APPLICATION NO. 23562-PP

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February 27, 1969  
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Appearances: William F. Schenkein, Esq., Denver,  
Colorado, for Applicants;  
Walter M. Simon, Esq., Denver,  
Colorado, for Yellow Cab, Inc.  
and Rocky Mountain Motor Company,  
Inc., Protestants;  
Joseph F. Nigro, Esq., Denver,  
Colorado, for Weicker Transfer &  
Storage Co., Package Delivery Service,  
Hoffman Transfer, United States Transfer  
& Storage Co. and Colorado Cartage  
Company, Protestants.

STATEMENT OF PROCEDURE AND RECORD

BY THE COMMISSION:

On January 10, 1969, 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, Applicants amended their application as follows:

"For a Class "B" Permit to operate as a private carrier by Motor Vehicle for hire in the conduct of a package delivery service from florist shops located in Denver, Adams, Arapahoe and Jefferson Counties, Colorado, for the transportation of floral items and gifts sold by said florists, to retail customers in said area, in shipments not to exceed 50 lbs. in weight and the transportation from wholesalers to retail florists in said area, and excluding the transportation of shrubbery and artificial flowers, and further restricted to use of vehicles not exceeding 1 ton in weight, and further restricted against the exclusive use of a vehicle for any one shipment weighing 15 lbs. or less from a retail florist to and one consignee."

Said amendment was taken under advisement. However, all Protestants withdrew and the matter was heard as a non-protested application."

The record further discloses, in view of the above and foregoing, that the Protestants of record, as above indicated, withdrew their 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

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

1. Applicants are partners doing business as "4K's Florist Delivery" and the application was made by the partners; however, the title of the case lists only one of the partners, namely, Albert LeRoy Riddell, and should, therefore, be corrected accordingly.
2. The application, as well as the amended application, is so broad that, when considered with evidence presented in support thereof, it would not fit into the purview of private carriage. The authority, if granted, pursuant to either the application or the amended application, could not and would not be operated as private carriage.

3. For the above and foregoing reasons, the application should be denied.

EXAMINER CONCLUSIONS

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

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 of the Examiner, as hereinabove set forth and -- in addition -- also the submitted Conclusions of the Examiner, as hereinafter modified, if such be the situation or fact, and, in accordance therewith, makes and enters the following Order.




ORDER

THE COMMISSION ORDERS:

That Application No. 23562-PP, be, and the same 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 27th day of February, 1969.  
gf

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
ORAN H. BIRD  
ROUTE 2  
FORT MORGAN, COLORADO 80701

PERMIT NO. B-6695

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February 27, 1969  
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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.


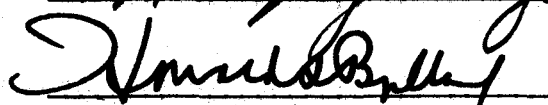
ORDER

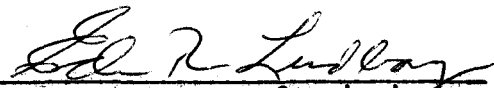
THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under the above-entitled authority be, and the same hereby is, authorized by the Commission from March 1, 1969 to and including September 1, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
Commissioners

Dated at Denver, Colorado,  
this 27th day of February, 1969.

bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF  
JACK DUKE  
ROUTE 3, BOX 119 A  
WOODWARD, OKLAHOMA 73801

PUC NO. 7177-I

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February 27, 1969  
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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.

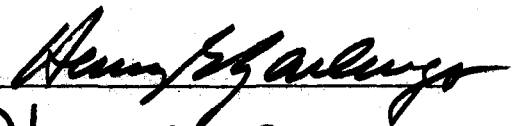
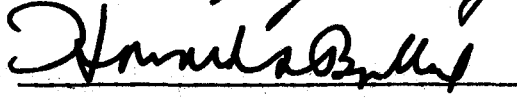
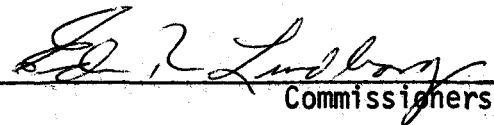
ORDER

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 February 11, 1969 to and including August 11, 1969.

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.

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
  
  
Commissioners

Dated at Denver, Colorado,  
this 27th day of February, 1969.  
bk

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

\* \* \*

RE: MOTOR VEHICLE OPERATIONS OF )  
FREDDIE E. WITZEL )  
BURLINGTON, COLORADO 80807 )  
----- )

PERMIT NO. B-6082

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February 27, 1969  
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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.


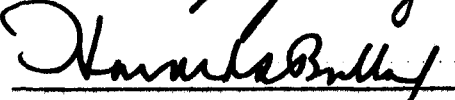

O R D E R

THE COMMISSION ORDERS:

That the above-entitled authority be, and the same hereby is, reinstated as of February 3, 1969.

(S E A L)

THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF COLORADO

  
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Commissioners

Dated at Denver, Colorado,  
this 27th day of February 1969.  
bk