

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES E. BILTZ, 1667 QUEBEC STREET,)
DENVER, COLORADO FOR AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT CAR-)
RIER BY MOTOR VEHICLE.)

APPLICATION NO. 27622-PP
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85264
July 2, 1974

Charles E. Biltz

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. PEARSON, DOING BUSINESS AS)
"FAST BOBBY'S TRUCKING," P. O. BOX)
333, SILVERTHORNE, COLORADO FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27620-PP
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

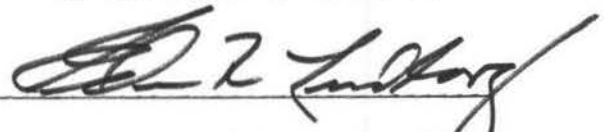
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85265
July 2, 1974

Fast Bobby's Trucking

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

P.U.C.

(Decision No. 85266)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES L. McCOLPIN, GENERAL DELIVERY,)	
CRAIG, COLORADO FOR AUTHORITY TO)	APPLICATION NO. 27619-PP
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

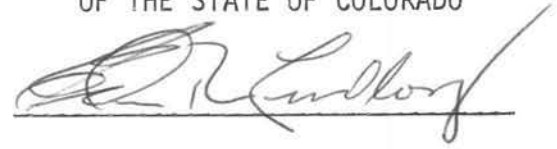
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

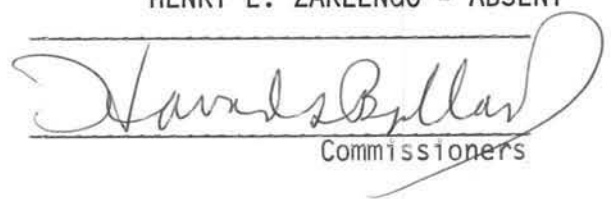
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85266
July 2, 1974

James L. McColpin

Transportation of

- (1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

- (2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHENTE AND JENNIE BUSTOS, 690 BUNYAN)
AVENUE, BERTHOUD, COLORADO FOR AUTH-)
ORITY TO OPERATE AS A CLASS "B" CON-)
TRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27618-PP
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

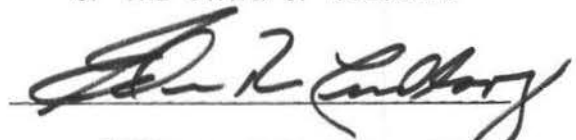
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85267
July 2, 1974

Chente and Jennie Bustos

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GARY LEE ROGERS & EDWARD D. ROGERS,)
5900 EAST BELLEVIEW, ENGLEWOOD, COLO-)
RADO FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27617-PP
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

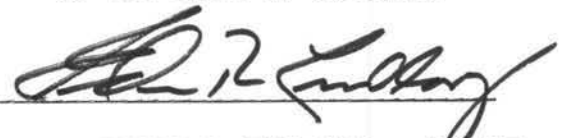
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

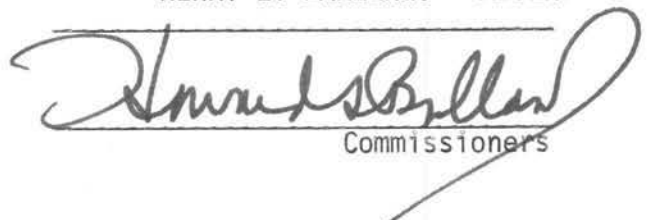
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85268
July 2, 1974

Gary Lee Rogers & Edward D. Rogers

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
G & G CONSTRUCTION & DEVELOPERS, INC.,)
3170 WEST 14TH AVENUE, DENVER, COLORADO)
FOR AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27616-PP
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

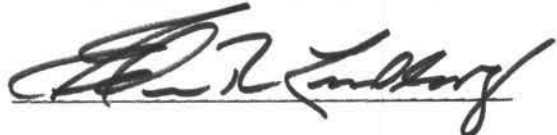
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

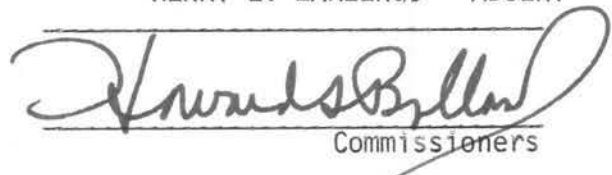
This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85269
July 2, 1974

G & G Construction & Developers, Inc.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: AMENDMENT NO. 34 TO COLORADO)
MOTOR TARIFF BUREAU TARIFF NO. 12-B,)
COLORADO PUC NO. 19, INCREASE OF SIX)
(6) PERCENT IN ALL CLASS AND)
COMMODITY RATES, EFFECTIVE JULY 1,)
1974.)

CASE NO. 1585

June 25, 1974

STATEMENT

BY THE COMMISSION:

On May 2, 1974 Amendment No. 34 to Colorado Motor Tariff Bureau Tariff No. 12-B, Colorado PUC No. 19, was filed with the Commission, for and on behalf of the member Motor Vehicle Scheduled Line Haul Carriers participating therein. Said Amendment if allowed to become effective would increase all rates and charges in the subject tariff by six (6) percent.

FINDINGS OF FACT

THE COMMISSION FINDS:

1. That the participating carriers in Colorado Motor Tariff Bureau Tariff No. 12-B operate under Certificates of Public Convenience and Necessity issued by this Commission and are subject to the jurisdiction of this Commission.

2. That ten (10) carriers submitted data in support of the proposed six (6) percent increase in rates and charges. These ten include:

Boulder-Denver Truck Line
Edson Express
Larson Transportation
Rio Grande Motor Way
Thacker Bros.
South Park Motor Lines
North Park Transportation
North Eastern Motor Freight
NW Transport
Utah Motor Freight

3. That these ten carriers transport, both as to tonnage and revenue, a major portion of the intrastate traffic which moves by scheduled line haul common carrier within the State of Colorado and that they cover the state geographically and are representative of the scheduled common carrier industry.

4. That Amendment No. 34 to Colorado Motor Tariff Bureau Tariff No. 12-B was filed on May 2, 1974 with a proposed effective date of July 1, 1974 and which, if it becomes effective will increase all rates and charges therein by six (6) percent.

5. That labor cost increases for one of the supporting carriers which will by union contract become effective on July 1, 1974 are as follows:

Mechanics	From \$6.50 to \$6.95 per hour	(6.9%)
Service Employees	From \$5.92 to \$6.37 per hour	(7.6%)
Line Haul Drivers	From \$6.28 to \$6.69 per hour	(6.5%)
	From \$.1580 to \$.16825 per mile	(6.5%)
Pickup and Delivery Drivers	From \$6.28 to \$6.69 per hour	(6.5%)
Dock Workers	From \$6.28 to \$6.69 per hour	(6.5%)
Clerks	From \$4.19 to \$4.49 per hour	(7.0%)

Said increases are typical of labor cost increases of the participating carriers generally.

6. That increases in fringe benefit costs (health and welfare and pensions) as of July 1, 1974 of 15.41% over the levels in effect on July 1, 1973, as required by the union contract, will be incurred by the participating carrier (Finding of Fact No. 5) which increases are typical for the participating carriers generally.

7. That although the rate has not changed, the base for assessing Social Security taxes was increased January 1, 1974 causing additional costs for the participating carriers.

8. That labor costs of the participating carriers range as high as 60%-70% of their operating costs.

9. That costs for items such as tires have increased substantially. For example: A Michelin tire which cost \$132.00 in 1972 now costs \$210.00 and an additional 12% increase is scheduled to become effective on July 1, 1974.

10. That an increase in repair parts of 37.8% from 1972 to 1974

has been experienced by one carrier which increase is reflective of increased costs of parts experienced by the carriers generally.

11. That notice of the proposed increase was provided to the public in the following manner:

(a) Notice was posted in the terminals of the participating carriers as required by Rule 19-G of the Commission's Rules of Practice and Procedure.

(b) Notice was published in the Legal Notice Section of the Rocky Mountain News on June 7, 1974 which stated the amount of increase, the effective date of said increase, the address where protests might be sent, the deadline for such protests, and a list of the carriers for whom the increases would apply.

(c) In addition, Mr. J. R. Smith, Publishing Agent, for the participating carriers, certified that on May 10, 1974 he caused to be mailed, copies of Amendment No. 34 to Colorado Motor Tariff Bureau Tariff No. 12-B, to 447 subscribers (other than participating carriers) to said tariff.

12. That the 447 subscribers referred to in Finding of Fact No. 11 (c) herein are representative of the major shippers and receivers of freight in Colorado.

DISCUSSION

In Decision No. 83917 of October 26, 1973, the Commission stated "The most detailed and informative data was filed by the Rio Grande Motor Way---the largest intrastate carrier." In this proceeding Rio Grande Motor Way, and its wholly owned subsidiary, Larson Transportation Co., have filed combined figures which indicate that the increase in wages and fringe benefits to become effective July 1, 1974 and the increased costs of transport clearings as applied to Colorado intrastate traffic will amount to over \$324,000. This amount stated at a 93% operating ratio, including all Colorado intrastate revenue updated to the present level, would require an increase of 5.87% in revenues to cover the above wage and fringe benefit expense increases. Thus wage and related costs without consideration herein of any

increased costs for tires, repair parts, overhead, supplies, etc. indicates that an increase of six (6) percent is reasonable and reflective of increased labor costs.

One of the carriers, Edson Express, included all of the major cost increase factors in its supporting data. The inclusion of the cost factors in addition to labor reveals that an increase of eight (8) percent would be required to cover the expense increases if the current operating ratios are to be maintained.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that sufficient justification has been provided to establish the need for the proposed increases and that said increases will be just and reasonable.

An appropriate Order prescribing these increases shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the increased rates and charges of six (6) percent as published in Amendment No. 34 to Colorado Motor Tariff Bureau Tariff No. 12-B shall be the prescribed rates and charges of the Commission on the effective date provided for herein.
2. 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.
3. That all contract 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.
4. That on and after July 1, 1974, 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.

5. That on and after July 1, 1974, all contract 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" contract carriers shall be subject to the penalty rule of twenty (20) percent.

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

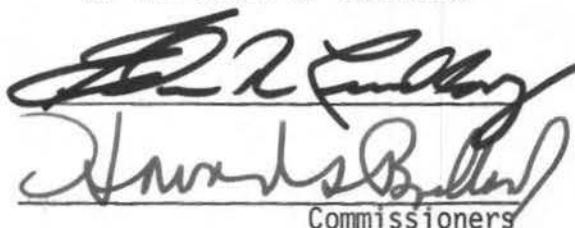
7. That the Order entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That jurisdiction is retained to make such further Orders as may be necessary and proper.

9. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Two handwritten signatures in dark ink. The top signature is more stylized and appears to be 'D. R. Gentry'. The bottom signature is 'Henry E. Zarlengo'. Both signatures are written over a horizontal line.

Commissioners

Commissioner Henry E. Zarlengo
dissents.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

A general increase of 6% in rates and charges is being authorized upon data submitted by 10 carriers to the Commission Staff, which increases will affect 54 other carriers who submitted no information at all in justification for the increase. The increase will also affect many contract carriers.

Several hundred thousand of customers may be affected who have had no personal notice of the increase requested. The notice which was given was not notice reasonably sufficient under the circumstances to constitute legal notice and does not conform to due process of law.

All carriers alike regardless of need, or evidence of their need, or for any increase at all, or need of the exact amount authorized, or of more, have been authorized a blanket increase. The same increase cannot reasonably be found to be "just and reasonable" for all concerned when such evidence is lacking. Furthermore, the only evidence upon which the Decision is based comes from the 10 carriers affected without evidence from any others, including those who might be protestants if they had been properly notified. Thus, the Decision is not based on sufficient evidence and on whatever evidence it is based is purely ex parte.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAMPART AVIATION COMPANY, 1245)
AVIATION WAY, COLORADO SPRINGS,)
COLORADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY AIRCRAFT.)

APPLICATION NO. 27630-ETA

ORDER DENYING EMERGENCY
TEMPORARY AUTHORITY

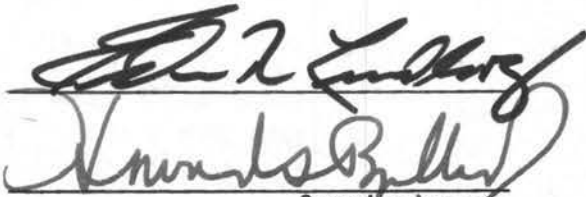
- - - - -
June 25, 1974
- - - - -

The above entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I dissent. The public is being denied of a service the Commission
has already determined is needed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

SUPERIOR SANITATION, INC., C & C
DISPOSAL SERVICE, COLORADO SPRINGS
SANITATION, INC., BEST WAY DISPOSAL,
SECURITY GARBAGE CO., AND ACE DIS-
POSAL SERVICE, INC.,

Complainants.

vs.

BIG MAC DISPOSAL SERVICE, INC.,

Respondent.

CASE NO. 5548

ORDER GRANTING WITHDRAWAL
OF COMPLAINANT

June 25, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 21, 1974, Complainant Colorado Springs Sanitation, Inc., by and through its counsel, Robert G. Shepherd, Jr., filed its motion to withdraw from the above-captioned complaint action as one of the complainants.

The Commission states and finds that Complainant, Colorado Springs Sanitation, Inc., should be allowed to withdraw from the above-captioned complaint action.

An appropriate order will be entered.

ORDER

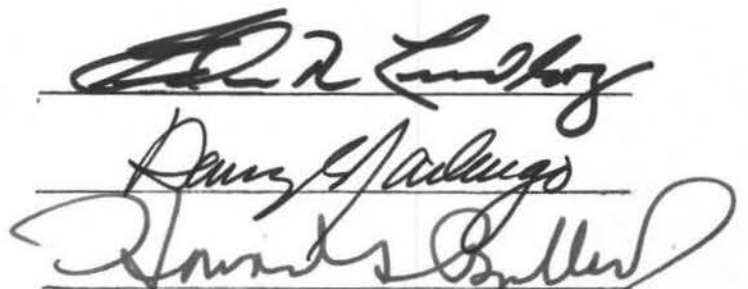
THE COMMISSION ORDERS THAT:

1. Colorado Springs Sanitation, Inc., be, and hereby is, authorized to withdraw as a party complainant in the above-captioned complaint action.

2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

(Decision No. 85273)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PAUL C. MOAREMOFF, DOING BUSINESS)	APPLICATION NO. 27485-PP
AS "EXECUTIVE LIMOUSINE SERVICE,")	
10950 EAST COLFAX, AURORA, COLORADO,)	ORDER COMPELLING APPLICANT
FOR A CLASS "B" PERMIT TO OPERATE AS)	TO ANSWER INTERROGATORIES
A CONTRACT CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

- - - - -
June 25, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 10, 1974, Protestant, Yellow Cab, Inc., by its attorney, Walter M. Simon, caused certain written interrogatories to be served upon the above-named Applicant.

On June 21, 1974, alleging failure of Applicant to answer said interrogatories, Protestant, Yellow Cab, Inc., by its attorney, filed a motion under Rule 37 of the Colorado Rules of Civil Procedure for an Order of the Commission requiring Applicant to answer said interrogatories, or in the event of his failure to do so, dismissal of the application.

The Commission states and finds that the Protestant's aforesaid motion should be construed as a Motion for an Order Compelling Discovery, pursuant to Rule 37, Colorado Rules of Civil Procedure, and should be granted as such, and Applicant should be ordered to answer the interrogatories within fourteen (14) days.

An appropriate order shall be entered.

O R D E R

THE COMMISSION ORDERS THAT:

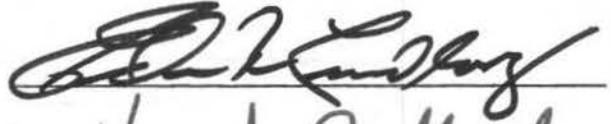
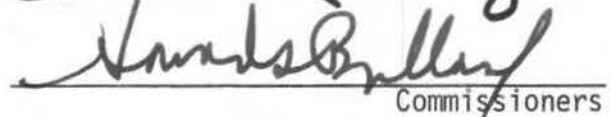
1. The "Motion of Yellow Cab, Inc., Under Rule 37 of the Colorado Rules of Civil Procedure," filed by Walter M. Simon, attorney for the Protestant, Yellow Cab, Inc., be, and hereby is, construed as a Motion for an Order Compelling Discovery, pursuant to Rule 37, Colorado Rules of Civil Procedure, and as such, the same be, and hereby is, granted.

2. Applicant is ordered to fully answer the interrogatories propounded to him by Protestant on or before July 10, 1974.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO NOT
PARTICIPATING.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING:

I do not participate for lack of information.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF NATIONAL BUS)
TRAFFIC ASSOCIATION, INC., AGENT)
AND GREYHOUND LINES, INC., (WEST)
DIVISION), FILING INCREASED FARES)
AND CHARGES FOR BUS PASSENGERS,)
BUS CHARTER AND BUS EXPRESS,)
INTRASTATE IN COLORADO.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 869

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFFS AND NOTICE OF HEARING

June 25, 1974

STATEMENT

BY THE COMMISSION:

On May 15, 1974, the National Bus Traffic Association, Inc.,
(NBTA), Respondent, as Tariff Publishing Agent for the following carriers:

American Buslines, Inc.
Colorado Motorway, Inc.
Colorado Springs-Limon Transportation Co.
Colorado Transportation Company (Rocky Mountain Motor
Company, Inc., d/b/a)
Continental Bus System, Inc.
Continental Trailways, Inc.
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. (Greyhound Lines - West Division)
Leadville Transit Company, Inc., The
Pikes Peak Automobile Company, The, A Colorado Corporation
(Pikes Peak-Intermountain Transportation Company, A
Division of)
San Juan Tours, Inc.
Ski Country Coaches, Inc.
Valley Transit Lines, Inc.

filed with the Public Utilities Commission of the State of Colorado,
Local and Joint Master Table Tariff No. A-906-B, Colo. P.U.C. No. 180;
Supplement No. 384 to National Basing Fare Tariff No. A-100; being
Supplement No. 16 to Colo. P.U.C. No. 4; Supplement No. 350 to National
Passenger Tariff No. A-1000, being Supplement No. 10 to Colo. P.U.C.
No. 31; Second Revised Page F-1, bearing Correction No. 2A, to National

Express Tariff No. A-600, Colo. P.U.C. No. 175; and Revised Pages, bearing Correction Nos. 87 to 91, inclusive, to Colorado-Utah Area Charter Coach Tariff No. A-405, Colo. P.U.C. No. 145, to become effective July 1st, 1974, which provide for increases in charges and other changes within the State of Colorado. Also, Greyhound Lines, Inc. (Greyhound Lines - West Division), Respondent, filed Local Passenger Tariff No. C-45-B, to become effective July 1, 1974, which provides for increases in charges within the State of Colorado.

FINDINGS OF FACT

Said tariff filings, enumerated above, if permitted to become effective would increase bus passenger fares by 5%, bus express charges from 6% to 25%, and bus charter charges from 10% to 29%.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carriers set forth in the Statement above in support of the tariff filings indicates that the said filings may be in violation of the Public Utilities Law.

2. It is in the public interest to set the said tariff filings for hearing and to suspend the same for 120 days unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of the increased rates and charges as published by the National Bus Traffic Association, Inc., as Tariff Publishing Agent for the following carriers:

American Buslines, Inc.
Colorado Motorway, Inc.
Colorado Springs-Limon Transportation Co.
Colorado Transportation Company (Rocky Mountain Motor Company, Inc., d/b/a)
Continental Bus System, Inc.
Continental Trailways, Inc.
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. (Greyhound Lines - West Division)
Leadville Transit Company, Inc., The
Pikes Peak Automobile Company, The, A Colorado Corporation
(Pikes Peak-Intermountain Transportation Company, A
Division of)
San Juan Tours, Inc.
Ski Country Coaches, Inc.
Valley Transit Lines, Inc.

in Local and Joint Master Table Tariff No. A-906-B, Colo. P.U.C. No. 180; Supplement No. 384 to National Basing Fare Tariff No. A-100; being Supplement No. 16 to Colo. P.U.C. No. 4; Supplement No. 350 to National Passenger Tariff No. A-1000, being Supplement No. 10 to Colo. P.U.C. No. 31; Second Revised Page F-1, bearing Correction No. 2A, to National Express Tariff No. A-600, Colo. P.U.C. No. 175; and Revised Pages, bearing Correction Nos. 87 to 91, inclusive, to Colorado-Utah Area Charter Coach Tariff No. A-405, Colo. P.U.C. No. 145, and the increased rates and charges as published by Greyhound Lines, Inc., (Greyhound Lines - West Division) in Local Passenger Tariff No. C-45-B.

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

3. That neither the tariff filings hereby suspended nor the tariffs 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.

4. That a copy of this Order shall be filed with the tariffs in the Office of the Commission and that a copy hereof be served upon Mr. P. J. Campbell, Chairman, National Bus Traffic Association, Inc., Agent, 506 South Wabash Avenue, Chicago, IL 60605 and Mr. Bart Cook, Vice President - Traffic, 371 Market Street, San Francisco, CA 94106. The necessary next numbered supplements and next numbered revised pages shall be issued, filed and posted to the respective tariffs referred to in the Statement and Order hereof.

5. That fifteen days prior to the hearing date herein, Respondents shall provide the Secretary of the Commission with copies

of any and all exhibits which they intend to introduce in evidence in support of their case, and a list of their witnesses.

6. That this Investigation and Suspension Docket No. 869, be, and the same is hereby, set for hearing before the Commission:

Date: August 14, 1974
Time: 10:00 a.m.
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the increased rates and charges as published by the National Bus Traffic Association, Inc., as Tariff Publishing Agent for the following carriers:

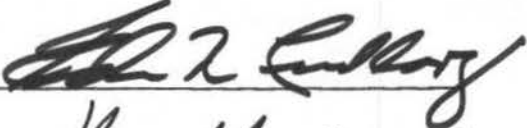
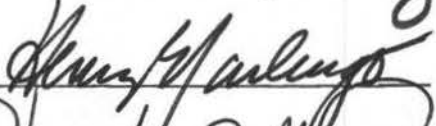

American Buslines, Inc.
Colorado Motorway, Inc.
Colorado Springs-Limon Transportation Co.
Colorado Transportation Company (Rocky Mountain Motor Company, Inc., d/b/a)
Continental Bus System, Inc.
Continental Trailways, Inc.
Denver-Boulder Bus Company
Denver-Colorado Springs-Pueblo Motor Way, Inc.
Denver-Salt Lake-Pacific Stages, Inc.
Glenwood-Aspen Stages, Inc. (San Juan Tours, Inc., d/b/a)
Greyhound Lines, Inc. (Greyhound Lines - West Division)
Leadville Transit Company, Inc., The
Pikes Peak Automobile Company, The, A Colorado Corporation
(Pikes Peak-Intermountain Transportation Company, A Division of)
San Juan Tours, Inc.
Ski Country Coaches, Inc.
Valley Transit Lines, Inc.

in Local and Joint Master Table Tariff No. A-906-B, Colo. P.U.C. No. 180; Supplement No. 384 to National Basing Fare Tariff No. A-100; being Supplement No. 16 to Colo. P.U.C. No. 4; Supplement No. 350 to National Passenger Tariff No. A-1000, being Supplement No. 10 to Colo. P.U.C. No. 31; Second Revised Page F-1, bearing Correction No. 2A, to National Express Tariff No. A-600, Colo. P.U.C. No. 175; and Revised Pages, bearing Correction Nos. 87 to 91, inclusive, to Colorado-Utah Area Charter Coach Tariff No. A-405, Colo. P.U.C. No. 145, and the increased rates and charges as published by Greyhound Lines, Inc., (Greyhound Lines - West Division) in Local Passenger Tariff No. C-45-B, be, and the same hereby are suspended for a period of 120 days to and including October 28, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
A. L. ATWOOD, ROUTE 1, BOX 30, FORT)
MORGAN, COLORADO FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND)
INTEREST IN AND TO CONTRACT CARRIER)
PERMIT NO. B-821 TO ATWOOD TRUCKS,)
INC., 515 EAST COMMERCE AVENUE, FORT)
MORGAN, COLORADO.)

APPLICATION NO. 27542-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
July 2, 1974
- - - - -

Appearances: John H. Lewis, Esq., Denver, Colorado
Attorneys for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-821, as granted by Commission Decision No. 65584 dated August 16, 1965 subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

IT IS FURTHER ORDERED, 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.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

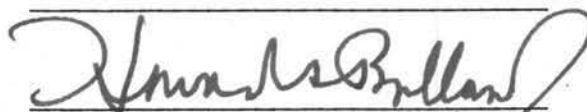
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "James S. Ballan", written over a horizontal line.

Commissioners

(Decision No. 85276)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF NORTHERN NATURAL GAS COMPANY)
FOR AN ORDER AUTHORIZING IT TO) APPLICATION NO. 27649
PUT INTO EFFECT AN EMERGENCY GAS)
RATE ADJUSTMENT.)

June 25, 1974

S T A T E M E N T

BY THE COMMISSION:

On June 13, 1974, Peoples Natural Gas Division of Northern Natural Gas, a Delaware corporation and a utility subject to the jurisdiction of this Commission and Applicant herein, filed the above application seeking authorization of the Commission, without formal hearing and on less than thirty (30) days' notice, to file an emergency gas adjustment to its existing natural gas rates now on file with the Commission.

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission, engaged in the transmission and sale of natural gas in various areas in the State of Colorado and elsewhere.
2. Applicant obtains its gas supply for the "Ute Pass" area of El Paso and Teller Counties from the Department of Public Utilities of the City of Colorado Springs which Department filed an advice letter on May 14, 1974 (Advice Letter 33) with the Public Utilities Commission of the State of Colorado to increase rates. The increase in rates filed for by the City of Colorado Springs resulted from a purchased gas adjustment from Colorado Interstate Gas Company and a general increase in the City of Colorado Springs' rates. By operation of law the Department of Public Utilities' increased rates became effective June 14, 1974.
3. The increased rates of the Department of Public Utilities are estimated to increase the annual cost of gas purchased by Applicant from the Department of Public Utilities by approximately \$14,625, based on volumes purchased for the twelve months ended April 30, 1974.
4. Applicant filed a proposed emergency gas rate adjustment to its Rate C, a copy of which was attached to the application and marked Exhibit B and made a part thereof by reference, to become effective on less than statutory notice for meter readings made on and after July 1, 1974. Applicant's filing will increase its gas rates by an amount calculated to produce on an annual basis additional revenue substantially equivalent to the total of the annual increase in the cost of gas to be purchased by Applicant from the Department of Public Utilities in the sum of \$14,625, and the increased franchise taxes resulting from the pass-along of the increased Department of Public Utilities rates in the sum of \$294,00, for a total additional revenue of \$14,919.
5. Applicant's pro forma rate of return for the test year ending December 31, 1973, if this application be granted, is 8.894% which rate is Applicant's currently authorized rate of return for its Colorado operations, excluding those in the Durango area.

6. Applicant's pro forma rate of return for the test year ending December 31, 1973, if this application be denied, is 7.673%, or 1.221% below its currently authorized rate of return.

7. In the event the Department of Public Utilities of the City of Colorado Springs should subsequently refund to Applicant all or part of the increase in rates, Applicant will refund to its customers the applicable amount of any refund so received in such manner as shall be approved by this Commission.

8. The filing of this application was brought to the attention of Applicant's affected customers by publication in the Ute Pass Courier, the Colorado Springs Sun, and the Gazette Telegraph, newspapers of general circulation in the areas affected. This notice included advice that any customer of Applicant, upon request to the Commission, may receive notice of any hearing which may be ordered by the Commission in this matter.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Section 115-3-4(2), CRS 1963, and Rule 18A.1. of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing increased rates in effect to pass on its increased costs would do substantial harm to the Applicant.

3. For any period of time that it is denied the pass-on of its increased cost, Applicant's rate of return would fall below its authorized reasonable rate of return.

4. Good cause exists for the Commission to allow the proposed increases on less than 30 days' notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, ordered to file on not less than one (1) day's notice, tariffs as delineated on Colo. PUC No. 1, Ninth Revised Sheet No. 11, attached hereto as Appendix A and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

A.

Chapter 115-6-8 (2), (3) and (4) provides in substance that notice of all applications shall be given to all parties who in the opinion of the Commission are interested in or would be affected by the granting or denial of such application; provides that such service may be made in three ways -- (1) upon a person similarly in accordance with the rules of civil procedure, (2) service may be made personally, and (3) service may be made by first class mail. There is no evidence in the record of compliance with these requisites.

B.

Chapter 115-6-8 (2) provides, inter alia, that:

"Except for good cause shown, any person desiring to file an objection (to an application) . . . shall file his objection . . . within thirty days after the date of such notice, or such lesser time as the Commission may prescribe. . ." (Emphasis supplied.)

As the law provides that any person may file his objection within thirty days after the date of the notice of application, there can be no doubt but that the person in all cases has the right to file an objection within such period. He must, however, do so within the thirty day period unless the Commission prescribes "a lesser time" within which objections may be filed. The Commission has not prescribed "a lesser time" than 30 days after the date of notice within which any person desiring to file an objection may do so, and 30 days have not elapsed since the date of notice.

The Commission's order being entered 17 days before expiration of the 30 day period effectively deprives objectors of their right to file objections as provided by law. Without due process of law the order of the Commission is invalid.

C.

Chapter 115-6-8 (2) provides, inter alia, that:

"No final action shall be taken by the commission in any such proceeding during the time any such filing is permitted. . ." (Emphasis supplied.)

The time has not elapsed during which any person desiring to file an objection may legally do so. The Commission is expressly precluded from taking final action. This the Commission has done, contrary to the law. The order, therefore, is invalid.

D.

The Applicant is being, inter alia, "ordered to file on not less than one (1) day's notice," tariffs which provide for a substantial increase in rates (1) without hearing; (2) without good cause or special conditions justifying a shorter notice period of less than 30 days' notice as required by law for the tariff to become effective, and without a specific finding of fact or of special conditions constituting "good cause." There is no evidence before the Commission, nor is there a finding of fact in the

Commission decision that the utility cannot absorb the increase in costs for the period of notice required by the statute without material and substantial detriment to it; (3) upon a notice which, in addition to its impropriety because of its reduced period, is not a good, sufficient or reasonable notice to persons who are interested in or would be affected; (4) without good and sufficient evidence before the Commission to support the authorization of such increase. Many factors in addition to cost of gas enter into a determination of just and reasonable rates; (5) which authorization is untimely and effectively deprives persons who are interested in, or would be affected, of their right to file objections within 30 days after the date of notice; (6) final action is taken during the time such filing is permitted; -- all contrary to the law and in abuse of Commission discretion.

E.

Good and sufficient evidence is not before the Commission upon which it can be determined whether or not the Applicant can absorb the increase, or some part thereof, and still retain a fair rate of return.

F.

To approve such increase under the circumstances to offset increases in wholesale costs to Applicant destroys incentive on the part of the Applicant to resist by whatever means possible increases in wholesale costs and encourages the wholesaler to seek further increases.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbp

Form R-1 PEOPLES NATURAL GAS DIVISION OF
NORTHERN NATURAL GAS COMPANY
name of utility

Colo. PUC No. 1

Ninth Revised Sheet No. 11

Cancels Eighth Revised Sheet No. 11

Natural Gas (General Service Classification)		Company Rate Code
General Gas Service (Rate Title or Number)		
<u>AVAILABILITY</u>		C
<p>Natural gas service under this schedule is available to any individually metered customer for residential, commercial or apartment service at any point in the Company's certificated territory in the "Ute Pass" area, El Paso and Teller Counties, Colorado, where adequate capacity presently exists or can be provided in accordance with the rules filed with the Public Utilities Commission of Colorado.</p> <p>Gas service under this schedule is not available for resale or for standby service.</p>		RATE
<u>INTERRUPTIBLE</u>		
<p>Any commercial consumer receiving natural gas service under this schedule using in excess of 2,000 cubic feet of gas per hour is subject to interruption, and standby service or dual fuel burning equipment must be provided by the consumer. Service to commercial consumers using in excess of 2,000 cubic feet of gas per hour may be interrupted on immediate notice.</p>		
<u>RATES</u>		
Rate per month:	First 1 MCF, or less per month	\$2.161 I
	Next 3 MCF, per MCF per month	1.123 I
	Next 11 MCF, per MCF per month	1.058 I
	Next 15 MCF, per MCF per month	.961 I
	All Over 30 MCF, per MCF per month	.875 I
<u>MINIMUM CHARGE</u>		
Per Month:		\$2.16 I
<u>PAYMENT</u>		
The above rates are net and are due and payable within ten (10) days from presentation of bill.		
<u>RESERVATION</u>		
The Company reserves the right to limit the number of new customers or the size of any new installation taking service under this schedule when or where it appears that such new customers or installations may endanger adequate service to previously connected customers; and so long as the Company supplier is restricting service under the authority of the Public Utilities Commission of the State of Colorado.		
		DO NOT WRITE IN THIS SPACE

Advice Letter No. _____ Issue Date _____
Decision or Authority No. _____ Signature of Issuing Officer _____
Vice President _____ Effective Date _____
Title _____

(Decision No. 85277)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
B & W DISPOSAL SERVICE, INC., 571)	
UTICA STREET, DENVER, COLORADO FOR	)	APPLICATION NO. 27641-Transfer-TA
TEMPORARY APPROVAL TO CONDUCT OPER-)	
ATIONS UNDER CERTIFICATE OF PUBLIC	)	ORDER GRANTING TEMPORARY APPROVAL
CONVENIENCE AND NECESSITY PUC NO.)	
2156, PENDING DETERMINATION OF THE)	
APPLICATION TO ACQUIRE SAID CERTIFICATE.)	

- - - - -
July 2, 1974
- - - - -

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

(Decision No. 85278)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B & W DISPOSAL SERVICE, INC., 571)
UTICA STREET, DENVER, COLORADO FOR) APPLICATION NO. 27642-Transfer-TA
TEMPORARY APPROVAL TO CONDUCT OPER-)
ATIONS UNDER CERTIFICATE OF PUBLIC) ORDER GRANTING TEMPORARY APPROVAL
CONVENIENCE AND NECESSITY PUC NO.)
3199, PENDING DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID CERTIFICATE.)

- - - - -
July 2, 1974
- - - - -

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

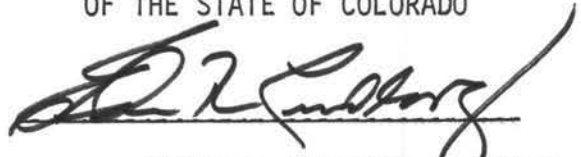
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO ABSENT


Commissioners

(Decision No. 85279)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOULDER-YELLOW CAB, INC., 2680)
ARAPAHOE STREET, BOULDER, COLORADO)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-8254.)

APPLICATION NO. 27625-PP-Extension
ORDER GRANTING TEMPORARY AUTHORITY

July 2, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and


IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 165 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85279
July 2, 1974

Boulder-Yellow Cab, Inc.

Transportation of

Passengers and their baggage and parcels

Between the IBM Office, located in the Arapahoe Shopping Center, Boulder, Colorado, and the IBM Main Plant, located at Niwot, Colorado, with an intermediate stop at the IBM Plant, located at 28th and Glenwood Streets, Boulder, Colorado.

RESTRICTION: This temporary authority is restricted as follows:

- (a) Transportation of parcels shall not exceed fifty (50) pounds.
- (b) To rendering transportation service for only International Business Machines Corporation.

(Decision No. 85280)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEON REDIGER, DOING BUSINESS AS)
"R.E.D.S.," 2826 CARMEL CIRCLE, COLO-)
RADO SPRINGS, COLORADO FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-5491,)
PENDING DETERMINATION OF THE APPLI-)
CATION TO ACQUIRE SAID PERMIT.)

APPLICATION NO. 27647-PP-Transfer-T/
ORDER GRANTING TEMPORARY APPROVAL

- - - - -
July 2, 1974
- - - - -

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

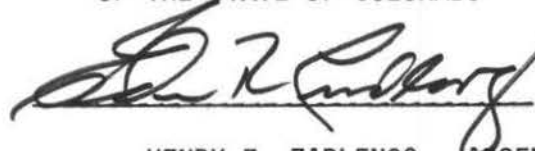
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

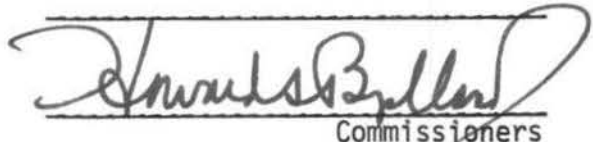
IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN LEASING COMPANY OF COLORADO,)
BOULDER MUNICIPAL AIRPORT, BOULDER,)
COLORADO FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE, AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY PUC NO. 4360)
TO WESTERN TRUCKING COMPANY, INC.,)
BOULDER MUNICIPAL AIRPORT, BOULDER,)
COLORADO.)

APPLICATION NO. 27645-Transfer
ORDER OF THE COMMISSION

- - - - -
July 2, 1974
- - - - -

Appearances: James O. Thorvilson, Esq., Boulder, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in these proceedings has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed, and that pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

IT FURTHER APPEARING, That on May 25, 1972, by Decision No. 80323, Transferee herein acquired ownership of Certificate of Public Convenience and Necessity PUC No. 3717, that Certificate of Public Convenience and Necessity PUC No. 4360 as herein sought to be transferred, completely overlaps and duplicates all authority presently held under said Certificate of Public Convenience and Necessity PUC No. 3717. Applicant herein has stated and agreed that should the transfer of Certificate of Public Convenience and Necessity PUC No. 4360 be granted by this Commission, there would be no objection to the concurrent cancellation of the authority presently held.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered.

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That the Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That the Applicant set forth in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 4360, as granted by Commission Decision No. 83167 dated June 19, 1973, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That upon consummation of the foregoing transfer of Certificate of Public Convenience and Necessity PUC No. 4360, Certificate of Public Convenience and Necessity PUC No. 3717 shall be, and hereby is, cancelled.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and wehn, but not before, said Transferor and Transferee have advised the Commission in writing 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.

IT IS FURTHER ORDERED, 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.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

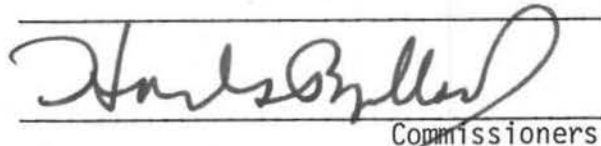
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF COLORADO MOTOR)
TARIFF BUREAU, INC., AGENT, FILING)
REVISED PAGES BEARING CORRECTION)
NOS. 2263 THRU 2273, INCLUSIVE,)
INCREASING RATES ON CEMENT IN MOTOR)
FREIGHT TARIFF NO. 14, COLO. PUC)
NO. 13.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 870

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFF AND NOTICE OF HEARING

June 25, 1974

STATEMENT

On May 30, 1974, Colorado Motor Tariff Bureau, Inc., Agent, Respondent, for and on behalf of Carriers party to its Motor Freight Tariff No. 14, Colorado PUC No. 13, filed revised pages bearing Correction Nos. 2263 thru 2273, inclusive, to said tariff increasing rates and charges on cement in bulk and in bags in intrastate commerce within the State of Colorado, to become effective on July 1, 1974.

FINDINGS OF FACT

In the event the tariff revision becomes effective the distance commodity rates would be increased by approximately 6% on distances of 0-150 miles and approximately 10% on distances of over 150 miles. Also, other specific commodity rates would be increased by .01¢ (one cent) per hundredweight.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carriers party to Motor Freight Tariff No. 14 in support of the tariff filings indicates that the said filings may be in violation of the Public Utilities Law.

2. It is in the public interest to set the said tariff filings for hearing and to suspend the same for 120 days unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of the increased rates and charges as published by Colorado Motor Tariff Bureau, Inc., Agent in Motor Freight Tariff No. 14 on Revised Pages bearing Correction Nos. 2263 thru 2273, inclusive.

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

3. That neither the tariff revisions 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission, and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, Colorado 80216. The necessary revised pages shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen 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, and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 870, be, and the same is hereby set for hearing before the Commission on:

Date: July 31, 1974

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the increased rates and charges as published by Colorado Motor Tariff Bureau, Inc., Agent in Motor Freight Tariff No. 14 on revised pages bearing Correction Nos. 2263 thru 2273, inclusive, be, and the same hereby are suspended for a period of 120 days to and including October 28, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF COLORADO)
MOTOR TARIFF BUREAU, INC.,)
AGENT, FILED 9TH REVISED PAGE)
NO. 3 ELIMINATING THE PARTI-)
CIPATION OF COLORADO CARTAGE)
CO., INC., CERTIFICATE NO.)
2693, IN ITS TARIFF NO. 3,)
PUC NO. 2, AND THE FILING BY)
COLORADO CARTAGE COMPANY,)
INC., OF ITS INDIVIDUAL)
TARIFF NO. 9 RESULTING IN)
INCREASED RATES.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 871

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFF AND NOTICE OF HEARING

June 25, 1974

STATEMENT

BY THE COMMISSION:

On May 29, 1974, Colorado Motor Tariff Bureau, Inc., Agent, and, Respondent herein filed 9th Revised Page No. 3 to Tariff No. 3, Colorado PUC No. 2, eliminating Colorado Cartage Company, Inc., as a participating carrier therein and on the same date as above Colorado Cartage Co., Inc., Respondent, filed its individual Tariff No. 9, which results in increased rates. Both the elimination of Colorado Cartage Co. from Tariff No. 3 and Colorado Cartage Co. Tariff No. 9 are scheduled to become effective June 28, 1974.

FINDINGS OF FACT

The tariff filing of Colorado Cartage Company, Inc. of its individual tariff No. 9, if permitted to become effective, would result in a 11% increase in rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of said tariff filing of increased rates and charges published in Colorado Cartage Company Tariff No. 9 and the cancellation of Colorado Cartage Company, Inc. from Colorado Motor Tariff Bureau, Inc. Tariff No. 3.

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

3. That neither the tariffs 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, CO 80216 and Edward Aydt, President, Colorado Cartage Co., Inc., P. O. Box 7176, Denver, Colorado 80207. The necessary suspension supplement and next revised page to tariff No. 3 shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen days prior to the hearing date herein, Respondents, shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case, and a list of their witnesses.

6. That this Investigation and Suspension Docket No. 871, be, and the same is hereby, set for hearing before the Commission on:

Date: August 1, 1974

Time: 10:00 a.m.

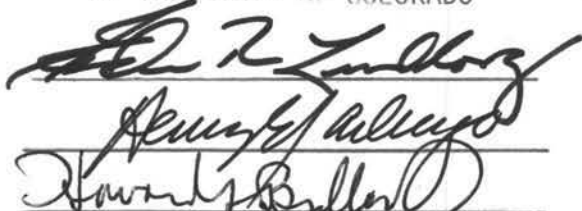
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published in Colorado Cartage Company Tariff No. 9 by the cancellation of Respondents' participation in Colorado Motor Tariff Bureau, Inc. Tariff No. 3, be, and the same hereby are, suspended for a period of 120 days to and including October 25, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 85284)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALLEN MITCHEK, P. O. BOX 967,)
STERLING, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER PERMIT)
NO. B-7046.)

APPLICATION NO. 27346-PP-Extension

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY, EXAMINER

GRANTING APPLICATION

- - - - -
June 27, 1974
- - - - -

Appearances: Charles J. Kimball, Esq.,
Denver, Colorado, for
Applicant;
John P. Thompson, Esq.,
Denver, Colorado, for
Robert D. Hounshell,
doing business as "Platte
Valley Freightways,"
Protestant.

PROCEDURE AND RECORD

On February 15, 1974, Applicant filed the above-titled application with this Commission for authority to extend operations as a contract carrier by motor vehicle for hire as specifically set forth in said application.

Applicant requested temporary authority, and the Commission, by Decision No. 85040, issued May 21, 1974, granted such temporary authority.

The Commission assigned Docket No. 27346-PP-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On May 10, 1974, Robert D. Hounshell, doing business as "Platte Valley Freightways," filed his protest to the granting of the application.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held in the Small Courtroom, Logan County Courthouse, Sterling, Colorado, on Monday, May 13, 1974, at 10 a.m. The Commission subsequently vacated the date of hearing and set the application for hearing at the said location on Friday, May 24, 1974, at 10 a.m., at which time the hearing was held by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, Applicant moved to amend the application, and the Examiner having determined that the proposed amendment was clearly restrictive in nature, granted the Motion to Amend. Upon acceptance of the amendment, Protestant Robert D. Hounshell, doing business as "Platte Valley Freightways," withdrew his protest, requesting that he remain of record to receive copies of all Recommended Decisions and Orders issued in this matter.

Exhibits 1 through 6, inclusive, were tendered and admitted into evidence, and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant, Allen Mitchek, Post Office Box 967, Sterling, Colorado, is an individual, and is presently owner and operator of Permit No. B-7046, to which extension is herein sought. This authority provides 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 50 miles of said pits and supply points;

sand and gravel,

from pits and supply points in the State of Colorado, to rail-road loading points, and to home and small construction jobs within a radius of 50 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 50 miles of said jobs;

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;

provided, however, that the transportation of road-surfacing materials shall be restricted against the use of tank vehicles;

also: natural fertilizer and farm produce (excluding livestock and milk)

from point to point in an area comprised of the following Counties, to-wit:

Sedgwick, Phillips, Yuma, Logan, Washington, Weld, Morgan, Larimer, and Adams, Colorado;

processed cattle feeds

to be delivered to E. E. Sonnenberg & Sons Feed Lots only from the above-named counties."

This Permit has been continually operated in the past and is in good standing with this Commission.

2. The Commission has jurisdiction over the Applicant and subject matter of this proceeding.

3. By this application, as amended, Applicant seeks to extend authority under Permit No. B-7046 as follows:

Transportation of

(1) Feed

From Sterling, Colorado, to all points in the state of Colorado;

(2) Feed ingredients

From all points in the state of Colorado to Sterling, Colorado.

RESTRICTIONS:

- (A) Transportation services rendered under Items (1) and (2) are restricted against shipments, in bulk, between Sterling, Colorado, on the one hand, and on the other hand (a) Denver and Julesburg, Colorado; (b) all points intermediate between Fort Morgan and Julesburg on Interstate Highway No. 80S and U.S. Highway No. 138; (c) all points within five miles of U.S. Highway No. 6 and U.S. Highway No. 138 and Interstate Highway No. 80S from Fort Morgan to Sterling; and (d) all points within five miles of Denver, Fort Morgan, and Julesburg, Colorado.
- (B) Service under this Permit is restricted to serving one customer only, namely, Farr Better Feeds, a Division of W. R. Grace & Company, Post Office Box 52, Lucerne, Colorado.

This requested extension does not overlap or duplicate any authority presently held by Applicant.

4. This application, as amended, was not protested.

5. The proposed customer, Farr Better Feeds, with offices located in Lucerne, Colorado, has recently constructed a feed mill and related facilities within the city limits of Sterling, Colorado. This plant has a production capacity of 80,000 tons of feed per year, with truck loading and unloading facilities. This firm produces formula feeds of several types, in bulk and in bag, and requires mixed bulk and bag service, as well as straight loads of each. The bagged product moves in heavy paper bags, which are subject to damage if not handled carefully. If the bags are permitted to become wet or punctured, the feed product is lost or the filled bags are reduced in value. This proposed customer expects to ship to a minimum of 25 to 30 customers within the state of Colorado, the majority of which will be located at various ranch, farm, and other rural points not located within incorporated entities. Farr Better Feeds sells directly to customers, including feeders, farmers, and ranchers, and makes sales directly through its sales staff. Feed ingredients to be picked up from various points in the state and taken to Sterling may be purchased from any wholesaler, storage facility, farm, or ranch location. These ingredients include dehydrated meal, soybean meal, Vitamin A premix, flaxseed screenings, sunflower by-products, grain, mustard meal, meat scraps, phosphates, urea, salt, bentonite, calcium, soda bicarbonate, malt products, corncob meal, etc., much of which moves from Colorado origins, but some of which is shipped from outside Colorado to Sterling. This firm's feeds presently move from Sterling to Fort Morgan, Sedgwick, Julesburg, Wiggins, and Wray, Colorado, while the inbound shipments of feed ingredients presently include locations near Lamar, La Junta, Wiley, Denver, Greeley, Pueblo, and various points in the Arkansas Valley.

6. The proposed customer, Farr Better Feeds, must have a carrier to unload part of a shipment to one customer and part of the same load to one or more other customers. It is requisite that it have flexibility in selling orders to meet customers' immediate needs, and to avoid the necessity that the customer buy more at any one time than they may require, thus assisting in the customers' inventory control.

On outbound shipments of feed from Greeley, the Farr firm requires, if possible, same-day delivery to its customers, who tend to buy on short notice. Shipping needs, both inbound and outbound, are somewhat seasonal, with approximately 60 to 70 percent of outbound tonnage moving in the period October to March, and the inbound tonnage moving in a similar cycle with an increased emphasis on period coinciding with harvest times.

7. Farr Better Feeds has experienced difficulty in meeting its transportation needs. Rail service, because unloading points are most often not on rail sidings and because of the additional time needed to ship by rail, is unfeasible. The general manager of this firm has requested service from various carriers, all of which have been unable to supply the necessary personnel and equipment to meet Farr Feeds' needs. It is thus found as fact that the Applicant has established that the transportation to be performed is, in truth and in fact, contract carriage, that there does presently exist a present and future private or personal need for the proposed service and that the proposed customer, viz., Farr

Better Feeds, has such present and personal need for such service. Further, Applicant has established that his proposed services will not impair the efficient public service of any authorized common carrier by motor vehicle for hire serving the same territory over the same general highway route or routes. Applicant has or will enter into a written contract with Farr Better Feeds.

8. Applicant has extensive equipment, including 38 tractors and 68 trailers, a number of which are specifically designed for transporting grain both in bag and in bulk. This equipment is suitable and sufficient for conducting the proposed services.

9. Applicant as of July 31, 1973, had net assets of \$5,787,727.34, liabilities of \$3,509,862.63, for a net worth of \$2,277,866.71. Applicant's net worth has increased since that date, and it is hereby found as fact that his present net worth is ample and sufficient to perform the proposed services.

10. Applicant is sufficiently familiar with the rules and regulations of this Commission regarding contract carriers and will additionally familiarize himself and his employees with any other necessary rules and regulations of this Commission. Further, Applicant is amply insured.

11. The granting of this application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted, and such grant should be restricted as hereinafter set forth.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Allen Mitchek, Post Office Box 967, Sterling, Colorado 80751, be, and hereby is, authorized to extend operations under Permit No. B-7046 as follows:

Transportation of

(1) Feed

From Sterling, Colorado to all points located within the State of Colorado.

(2) Feed Ingredients

From all points located within the State of Colorado to Sterling, Colorado.

RESTRICTION: Items 1 & 2 above are restricted as follows:

- (1) Against rendering transportation service of shipments in bulk between Sterling, Colorado, on the one hand, and
 - (a) Denver and Julesburg, Colorado;
 - (b) all intermediate points located on Interstate 80S & U.S. Highway 138 between Fort Morgan, Colorado and Julesburg, Colorado;
 - (c) all points lying within five (5) miles on either side of that portion of U.S. Highway Nos. 6 and 138 and Interstate 80S lying between Fort Morgan, Colorado and Sterling, Colorado;
 - (d) All points lying within five (5) mile radius of Denver, Fort Morgan and Julesburg, Coloradoon the other hand.
- (2) To rendering transportation service for only Farr Better Feeds, a Division of W. R. Grace & Company, Lucerne, Colorado.

2. Henceforth the full and complete authority under Permit No. B-7046 shall be and 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 the designated radius as restricted below.
- (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 the designated radius as restricted below.
- (3) Sand, gravel, dirt, stone, and refuse
From and to building construction jobs, to and from points within the designated radius as restricted below.
- (4) Insulrock
From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(5) Farm produce and natural fertilizer

Between all points located within an area comprised of the Counties of Sedgwick, Phillips, Yuma, Washington, Weld, Morgan, Larimer, and Adams, State of Colorado.

RESTRICTION: Item No. 5 of this Permit is restricted against the transportation of livestock, bulk milk and dairy products.

(6) Processed cattle feed

From all points located within the area set forth in Item No. 5 above, to the E. E. Sonnenburg & Sons Feed Lots.

(7) Feed

From Sterling, Colorado to all points located within the State of Colorado.

(8) Feed Ingredients

From all points located within the State of Colorado to Sterling, Colorado.

RESTRICTION: Items 7 & 8 above are restricted as follows:

- (1) Against rendering transportation service of shipments in bulk between Sterling, Colorado, on the one hand and
 - (a) Denver and Julesburg, Colorado;
 - (b) all intermediate points located on Interstate 80S & U.S. Highway 138 between Fort Morgan, Colorado and Julesburg, Colorado;
 - (c) all points lying within five (5) miles on either side of that portion of U.S. Highway Nos. 6 and 138 and Interstate 80S lying between Fort Morgan, Colorado and Sterling, Colorado;

- (d) all points lying within five (5) mile radius of Denver, Fort Morgan and Julesburg, Colorado

on the other hand.

- (2) To rendering transportation service for only Farr Better Feeds, a Division of W. R. Grace & Company, Lucerne, Colorado.

3. All operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.


4. 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.

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

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jp

(Decision No. 85285)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MARCIA Y. RODERICK,
1605 SOUTH CASCADE AVENUE,
COLORADO SPRINGS, COLORADO,

and

ROBERT M. RODERICK, JR.,
3900 NORTH NEVADA AVENUE,
UNIT 19,
COLORADO SPRINGS, COLORADO,

Complainants,

vs.

DEPARTMENT OF UTILITIES,
CITY OF COLORADO SPRINGS,
18 SOUTH NEVADA AVENUE,
COLORADO SPRINGS, COLORADO,

Respondent.

CASE NO. 5543

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY,
EXAMINER

DISMISSING COMPLAINT

June 26, 1974

Appearances: Marcia Y. Roderick, Colorado
Springs, Colorado, pro se, and
Robert M. Roderick, Jr.,
Colorado Springs, Colorado,
pro se;
Louis Johnson, Esq., Colorado
Springs, Colorado, for
Respondent;
Oscar Goldberg, Esq.,
Denver, Colorado,
for the Staff of the
Commission.

PROCEDURE AND RECORD

On January 9, 1974, the above-named Complainants filed a complaint with this Commission alleging, essentially, that as a result of the negligence of the Respondent, the Department of Utilities, City of Colorado Springs, said Complainants had incurred damages for personal injury and property damage. Complainants requested that this Commission make a finding of negligence and grant relief in the form of a monetary award to Complainants. The Commission on January 11, 1974, issued its Order to Satisfy or Answer, and on January 18, 1974, Respondent filed a Motion to Dismiss on the basis that this Commission had no jurisdiction to adjudicate the matter and grant the relief sought. The Commission granted Respondent's Motion to Dismiss in Decision No. 84397, issued January 22, 1974.

On January 31, 1974, Respondent filed a "Motion to Vacate Complainants Motion to Dismiss," the basis for said Motion being that neither Complainant Robert M. Roderick, Jr., nor attorney Rush Young, counsel for Complainant Marcia Y. Roderick, was sent a copy of Respondent's aforesaid Motion to Dismiss. In Decision No. 84484, issued February 8, 1974, the Commission granted Complainants' Motion to Vacate and vacated the Commission's Order in Decision No. 84397. The Respondent filed its Answer to the Complaint on February 13, 1974. Complainants, on April 16, 1974, filed a document titled "Bill of Particulars" with the Commission.

After due and proper notice to all interested parties, the Commission set the case for hearing on Friday, June 7, 1974, at 10 a.m. in the Auditorium -- County Office Building, 27 East Vermijo, Colorado Springs, Colorado. The matter was called for hearing at approximately 10:30 a.m. on said date and at said place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, Respondent orally moved to dismiss the complaint on the basis that this complaint is in fact an action for negligence seeking relief in money damages. The Examiner heard arguments and statements by Complainants, Respondent, and Mr. Goldberg of the Staff of the Commission. Having clarified and verified through statements made by Complainants that the subject complaint was for the alleged negligence of Respondent and that Complainants do indeed by this complaint seek a money damage award by this Commission, the Examiner granted the Motion to Dismiss on the basis of lack of jurisdiction.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS

Based upon all the evidence of record, the following is found as fact and concluded that:

1. Marcia Y. Roderick and Robert M. Roderick, Jr., by their complaint filed in Case No. 5543, allege negligence on the part of Respondent and seek an award of damages therefor. This Commission has no jurisdiction over the subject matter of this complaint, and it should therefore be dismissed.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R


THE COMMISSION ORDERS THAT:

1. Case No. 5543, being the case of Marcia Y. Roderick and Robert M. Roderick, Jr., against the City of Colorado Springs Department of Utilities, be, and hereby is, dismissed.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENTS, OTHO WYKERT, MARVIN R.	)	CASE NO. 5556
WEBER, RAY G. WADLINGTON AND)	
ROBERT C. QUAM, DOING BUSINESS AS	)	RECOMMENDED DECISION OF
Y-R BAR TRUCKING, ROUTE 1, BOX	)	ROBERT L. PYLE, EXAMINER
29, AULT, COLORADO, UNDER CONTRACT)	
CARRIER PERMIT NO. B-8152.)	

- - - - -
June 27, 1974
- - - - -

Appearances: Edward N. Bruntz, La Salle, Colorado,
and David Jackson, Longmont, Colorado,
pro se, for Respondent;
Oscar E. Franz, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 16, 1974, the Commission entered its Decision No. 84845 which, after calling attention to and investigation by the Staff of the Commission, relating to the motor vehicle operations of Otho Wykert, Marvin R. Weber, Ray G. Wadlington and Robert C. Quam, doing business as "Y-R Bar Trucking," hereinafter referred to as Respondent, under its Contract Carrier Permit No. B-8152, found that sufficient cause exists for the holding of a hearing to determine the facts of the matter, to hear arguments, and to determine what order or penalty, if any, should be imposed by the Commission. Generally, it was alleged that Respondent had engaged in transportation practices that may be in violation of the Public Utility Law and the Rules and Regulations of the Commission, to-wit:

"By serving customers and points that are not in the scope of authority granted in Permit No. B-8152, contrary to Rule No. 5 of the Rules Governing Contract Carriers by Motor Vehicle for Hire."

By said decision, the Commission ordered that Respondents appear before the Commission on June 13, 1974, in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at 10 a.m. to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate including, but not limited to, a cease and desist order or, if warranted, an order canceling and revoking Contract Carrier Permit No. B-8152. The ORDER TO SHOW CAUSE and NOTICE OF HEARING was assigned Case No. 5556 and service was properly made upon Respondent. The matter was heard by Examiner Robert L. Pyle, to whom it was assigned pursuant to law at the above-mentioned time and place. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The Staff of the Commission and Respondents entered into a written stipulation which was presented to and accepted by the hearing examiner, the gist of said stipulation being set forth in these FINDINGS OF FACT.

2. At the time of the Order to Show Cause, Respondents were individuals operating under the trade name as indicated; however, said individuals did transfer the permit involved herein (Contract Carrier Permit No. B-8152) to Y-R Bar Trucking Company, a Colorado corporation, which transfer was completed on April 12, 1974, and approved by the Commission in Decision No. 84499, dated February 13, 1974. The individual Respondents named in the show cause order are the principal officers and stockholders in the corporation and it was stipulated and agreed that the transfer proceeding does not in any manner release the Respondents either individually or through the corporation from the show cause order issued in Commission Decision No. 84845, which is the subject of this proceeding.

3. Contract Carrier Permit No. B-8152 authorizes the following:

"Transportation of sheep from Wykert and Weber Feed Lots, located within Weld County, Colorado, to the Monfort Packing Plant, Greeley, Colorado.

RESTRICTION: This Permit is restricted to rendering transportation service for only the Monfort Packing Company, Greeley, Colorado."

4. Respondents stipulated and agreed that they did, in fact, serve those customers and points not in the scope of authority granted in Contract Carrier Permit No. B-8152, contrary to Rule No. 5 of the Rules Governing Contract Carriers by Motor Vehicle for Hire, as follows:

<u>DATE OF TRANSPORTATION</u>	<u>BILL OF LADING</u>	<u>SHIPPER</u>	<u>ORIGIN</u>	<u>GROSS REVENUE</u>
		Monfort Packing Co. Greeley, Colorado	Bragdon Feedlot Ault, Colorado	
10-11-73	1128			\$ 204.18
9-15-73	1192			73.56
9-10-73	1196			161.56
9-5-73	1181, 2309			167.49
8-17-73	2257			64.53
8-13-73	1113			41.83

<u>DATE OF TRANSPORTATION</u>	<u>BILL OF LADING</u>	<u>SHIPPER</u>	<u>ORIGIN</u>	<u>GROSS REVENUE</u>
8-12-73	2760			138.55
8-7-73	1348, 1349, 1350			155.11
7-22-73	1100, 1574			225.56
7-17-73	1568			58.14
7-16-73	1567			188.27
7-6-73	1086, 1563			113.67
7-2-73	1082			55.22
5-9-73	1579			62.22
4-23-73	1281			207.81
4-21-73	1644			109.08
4-16-73	1910			57.40
4-16-73	1907, 1908, 1909			176.00
4-10-73	1051			99.87
4-5-73	1269			60.00
4-5-73	1270, 1271			111.54
4-1-73	1261, 1898			82.19
3-27-73	1896			49.43
2-21-73	1856, 1857, 1858			171.74
1-19-73	1819			39.22
1-16-73	1815			58.76
1-15-73	1014			56.69
1-14-73	1412			66.91
1-10-73	1012			65.95
1-8-73	1813, 1009	Monfort Packing Co. Greeley, Colorado	Wilson Feedlot Ault, Colorado	135.23
6-4-73	Unknown			\$ 47.08
5-21-73	1071, 1536			239.48

<u>DATE OF TRANSPORTATION</u>	<u>BILL OF LADING</u>	<u>SHIPPER</u>	<u>ORIGIN</u>	<u>GROSS REVENUE</u>
		Monfort Packing Co. Greeley, Colorado	Severin Feedlot Ault, Colorado	
1-22-73	1820,1821,1826, 1827			160.23
		Brown & Nix	Ft Lupton, Colo.	
7-18-73	1572			75.38
7-17-73	1570			89.26
7-6-73	1565			79.18
7-6-73	1577			77.32
7-5-73	1562			83.17
7-5-73	1805			91.13
4-2-73	1262			70.56
4-2-73	1634			69.12
		Dave Winters	Ault, Colorado	
8-10-73	2758			51.13
8-9-73	1173			34.53
8-9-73	1524			59.06
7-26-73	1569			29.72
7-16-73	1104			45.29
		Eldon Rothbun	Pierce, Colorado	
4-21-73	1643			48.11
3-1-73	1879			60.01
3-1-73	1035			60.91
1-2-73	1403			27.51
		J. B. or Ben Nix	Cornish, Colorado	
7-20-73	1592			\$ 53.21
7-3-73	1331			75.21
7-3-73	1561			69.31
7-2-73	1084			69.31
7-1-73	1487			71.11

<u>DATE OF TRANSPORTATION</u>	<u>BILL OF LADING</u>	<u>SHIPPER</u>	<u>ORIGIN</u>	<u>GROSS REVENUE</u>
2-2-73				72.93
1-5-73	1812			26.25
1-5-73	1209			52.73
		Heath & Turpin	Montrose, Colorado	
10-15-73	1374			486.72
10-6-73	1370			492.46
		John Peroulis	Craig, Colorado	
10-2-73	2317			444.82
		Danny Williams	Edwards, Colorado	
10-11-73	1129			332.24
10-11-73	2325, 2326			367.36
		Pete Clothis	Gunnison County, Colorado	
10-11-73	2319			156.55
Total gross revenue derived from out-of-authority operation between January 1, 1973 through January 23, 1974.				\$7,526.66

5. Summarizing the transportation services rendered by Respondent, it would appear that during the year 1973, Respondents did in fact render approximately 64 transportation services beyond the scope of their authority under Contract Carrier Permit No. B-8152, resulting in a gross revenue of \$7,526.66.

6. Respondents offered no excuse or reason for having engaged in said transportation practices and apparently did so willingly and with full knowledge that they had no authority so to act.

7. The actions of Respondent are attended by a willful and wanton disregard for the Rules and Regulations of the Commission and the statutes of the State of Colorado.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. Respondents should be found in violation as indicated in the ORDER TO SHOW CAUSE and an Order should be entered as hereinafter set forth.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Y-R Bar Trucking Company, a Colorado corporation, formerly Otho Wykert, Marvin R. Weber, Ray G. Wadlington and Robert C. Quam, doing business as "Y-R Bar Trucking," under Contract Carrier Permit No. B-8152, is found to be engaged in transportation practices in violation of the Public Utility Law and the Rules and Regulations of this Commission, to-wit:

"By serving customers and points that are not in the scope of authority granted in Permit No. B-8152, contrary to Rule No. 5 of the Rules Governing Contract Carriers by Motor Vehicle for Hire."

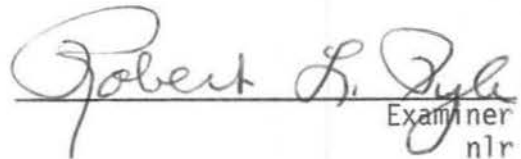
2. Respondent be, and hereby is, ordered to cease and desist from so doing.

3. Respondent's authority with this Commission; namely, Contract Carrier Permit No. B-8152, be, and the same hereby is, revoked and canceled as of July 19, 1974; providing, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of \$7,526.66 to the Treasurer of the State of Colorado for the credit of the Public Utilities Commission Cash Account No. 11456 on or before July 19, 1974, and upon proof of same, the provision of this Order directing that Contract Carrier Permit No. B-8152 be revoked and canceled, shall be null and void and of no effect.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
nlr
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF LILLY TRANSFER)
AND MOVING CO., RESPONDENT, FILING)
MOTOR FREIGHT TARIFF NO. 6)
INCREASING RATES AND CHARGES.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 872

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFF AND NOTICE OF HEARING

June 25, 1974

STATEMENT

BY THE COMMISSION:

On May 30, 1974, Lilly Transfer and Moving Co., Respondent, filed its Motor Freight Tariff No. 6, Colorado PUC No. 6, increasing rates and charges to become effective July 1, 1974.

FINDINGS OF FACT

The tariff filing of Lilly Transfer and Moving Co., set forth above, if permitted to become effective, would result in increased charges of eleven (11) percent.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the Respondent in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

ORDER

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of the increased rates and charges as published by Lilly Transfer and Moving Co. in its Motor Freight Tariff No. 6.
2. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation but shall include all matters and issues with respect to the lawfulness of said schedules under the Public Utilities Law.
3. That neither the tariff 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon Wesley N. Pettigrew, Lilly Transfer and Moving Co., 405 South Nevada Avenue, Colorado Springs, CO 80902. The necessary suspension supplement shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 872, be, and the same is hereby, set for hearing before the Commission on:

Date: August 16, 1974

Time: 10:00 a.m.

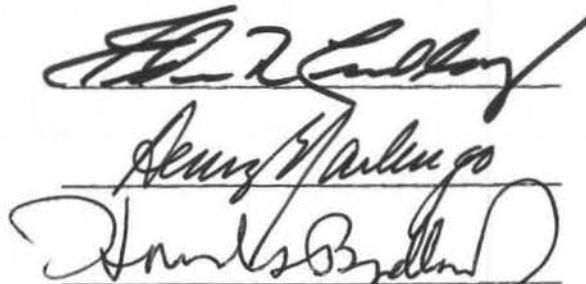
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the increased rates and charges as published by Lilly Transfer and Moving Co. in its Motor Freight Tariff No. 6, Colorado PUC No. 6, be and the same hereby are suspended for a period of 120 days to and including October 28, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of June, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD R. SCHAEFER AND ALBERT J.)
SCHAEFER, WINDSOR, COLORADO, OWNERS)
OF ALL THE OUTSTANDING CAPITAL STOCK)
IN AND TO J. J. SCHAEFER LIVESTOCK)
HAULING, INC., A COLORADO CORPORATION,)
FOR AUTHORITY TO TRANSFER SAID CAP-)
ITAL STOCK IN AND TO J. J. SCHAEFER)
LIVESTOCK HAULING, INC., A COLORADO)
CORPORATION, RECORD OWNER OF CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY PUC)
NO. 432 AND 432-I TO CACTUS HILL RANCH)
COMPANY, A COLORADO CORPORATION, FORT)
COLLINS, COLORADO.)

APPLICATION NO. 27574-Stock Transfer
ORDER OF THE COMMISSION

July 2, 1974

IT APPEARING, That by Notice of the Commission dated May 20, 1974, notice of the filing of the above entitled application was given to all interested persons, firms and corporations pursuant to CRS 1963, 115-6-8 (2);

IT FURTHER APPEARING, That no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed by the Commission in said Notice, and that the herein proceeding is therefore noncontested and unopposed;

IT FURTHER APPEARING, That pursuant to CRS 1963, 115-6-9 (5), the herein matter is one which may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in this proceeding should be by reference to the verified application as filed with the Commission together with such additional information or data as may have been required of Applicants in connection with said filing, and the files and records of the Commission;

AND IT FURTHER APPEARING, That the evidence thus submitted amply warrants approval of the transfer as hereinafter ordered;

Wherefore, and good cause appearing therefor:

WE FIND, That the Transferee is fit, willing and able, to control the operations called for and required by Certificate of Public Convenience and Necessity PUC No. 432 and 432-I, and that the transaction is compatible with the public interest and that the following Order should be entered.

IT IS ORDERED, That Donald R. Schaefer and Albert J. Schaefer, owners of all the outstanding capital stock in and to J. J. Schaefer Livestock Hauling, Inc., A Colorado Corporation, be, and are hereby, authorized to transfer all the outstanding capital stock in and to J. J. Schaefer Livestock Hauling, Inc., A Colorado Corporation, record owner of Certificate of Public Convenience and Necessity PUC No. 432 and 432-I to Cactus Hill Ranch Company, A Colorado Corporation, Fort Collins, Colorado.

IT IS FURTHER ORDERED, 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 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 said written acceptance of the terms of this Order within thirty days from the effective date of this Order

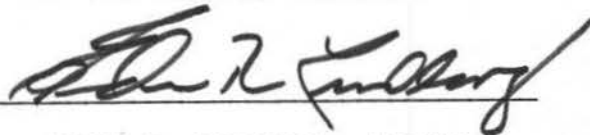
shall automatically revoke the authority herein granted to make the transfer, without further order on the part of the Commission, unless such time shall be extended by the Commission, upon proper application.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon 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 Certificate up to the time of transfer of said capital stock.

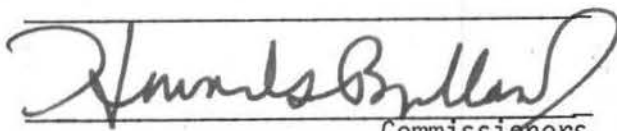
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the date hereof.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
HARRY B. HAWKS, ROUTE 4, BOX 131,)
MONTROSE, COLORADO.)

PUC NO. 1345
PERMIT NO. B-1365 and 1365-I
PERMIT NO. B-3076
PERMIT NO. B-4769 and 4769-I
PERMIT NO. B-4929

- - - - -
July 2, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION

On July 6, 1973, the Commission entered Decision No. 83306 approving the encumbrance of Certificate of Public Convenience and Necessity PUC No. 1345 and Contract Carrier Permits No. B-1365 and 1365-I, B-3076, B-4769 and 4769-I, and B-4929, by Harry B. Hawks to the United Bank of Montrose to secure payment of the sum of Fifty Thousand Seven Hundred Ninety-Six dollars and Nine cents (\$50,796.09).

The Commission is now in receipt of a communication from the United Bank of Montrose, Montrose, Colorado, stating that said encumbrance has been paid by renewal and requesting approval of a new encumbrance as evidenced by security agreement and financing statement dated June 1, 1974, as executed by and between said parties, in the amount of Sixty One Thousand Seven Hundred Forty-Six dollars and Fifty-Eight cents (\$61,746.58), subject to certain terms and conditions set forth in said security agreement and financing statement, a copy of which was filed with this Commission.

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

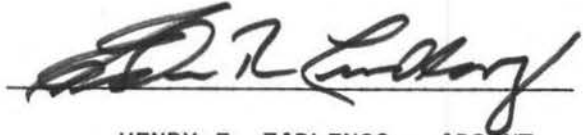
THE COMMISSION ORDERS

That the encumbrance of the above-mentioned operating rights authorized by Decision No. 83306 dated July 6, 1973, be, and the same hereby is released, as requested by the secured party herein insofar as it concerns this Commission.

That Harry B. Hawks, Montrose, Colorado, be and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1345, Contract Carrier Permits No. B-1365 and 1365-I, B-3076, B-4769 and 4769-I, and B-4929 to the United Bank of Montrose, Montrose, Colorado, to secure payment of the indebtedness in the sum of Sixty One Thousand Seven Hundred Forty-Six dollars and Fifty-Eight cents (\$61,746.58) as set forth in the Security Agreement and Financing Statement dated June 1, 1974.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "H. E. Zarlengo", written over a horizontal line.

HENRY E. ZARLENGO - ABSENT

A handwritten signature in dark ink, appearing to read "F. J. Buller", written over a horizontal line.
Commissioners

(Decision No. 85290)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27330
FRED M. LITTLE, 535 PITKIN AVENUE,)	
SAGUACHE, COLORADO, FOR A CERTIFICATE	)	RECOMMENDED DECISION OF
OF PUBLIC CONVENIENCE AND NECESSITY	)	ROBERT E. TEMMER, EXAMINER
TO OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.	)	GRANTING APPLICATION

- - - - -
June 27, 1974
- - - - -

Appearances: Elizabeth A. Conour, Esq.
Del Norte, Colorado,
for Applicant;
George W. Woodard, Esq.,
Alamosa, Colorado, for
Joe N. Abeyta and Orlando J. Abeyta,
doing business as "Abeyta Trucking,"
Protestants.

PROCEDURE AND RECORD

On February 4, 1974, Applicant, Fred M. Little, hereinafter referred to as Applicant, filed the above-entitled application with this Commission requesting the issuance of a certificate of public convenience and necessity to conduct operations as a common carrier by motor vehicle for hire for the transportation service as specifically set forth in said application.

Applicant requested emergency temporary authority and temporary authority, and the Commission, by Decision No. 84631, issued March 12, 1974, granted the emergency temporary authority and the Commission, by Decision No. 84717, issued March 26, 1974, granted such temporary authority.

The Commission assigned Docket No. 27330 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On March 14, 1974, the Commission received the protest of Joe N. Abeyta and Orlando J. Abeyta, hereinafter referred to as Protestants.

Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing, and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the Saguache County Courthouse, Saguache, Colorado, on Wednesday, June 5, 1974, at 9 a.m. On June 4, 1974, pursuant to an agreement between the attorney for the Applicants and the attorney for the Protestants, the matter was called for the purpose of determining certain objections raised by the Applicant to the appearance of the Protestants in the proceeding and the participation of the Protestants in the proceeding. The Applicant objected to the appearance of the Protestants and to their

right to participate in the proceedings on the basis that they do not have any authority to transport ash and trash in the area affected, and thus have no standing. It was agreed by the attorney for the Protestants that the Protestants do not hold any authority to transport ash and trash in the area affected by the application under consideration, and, therefore, the objection was sustained and the protest of the Protestants was stricken. The hearing was then recessed until June 5, 1974, the date previously set by the Commission, and the hearing was held at the time and place specified in the Notice of Hearing.

Exhibits 1 through 8 were tendered and admitted into evidence, and official notice was taken of the documents in the official Commission file. The testimony of the Applicant and a number of public witnesses was taken, and, at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual.
2. Applicant in this matter proposes to operate a public utility, as defined in Chapter 115, CRS 1963, as amended.
3. This Commission has jurisdiction over the Applicant and the subject matter of this proceeding.
4. Applicant does not hold previously granted authority from this Commission, except for the emergency temporary authority and temporary authority as noted in PROCEDURE AND RECORD above.
5. Applicant owns sufficient equipment, and will acquire more as the need arises; has sufficient net worth, all as shown by Exhibit 6; and has sufficient experience from the operation of his service under his temporary authority and from previous experience as a truck driver, all of which are ample and suitable for operation of the authority applied for herein.
6. Applicant is sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promises to 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 presently no authorized common carrier to provide ash and trash removal service in the area Applicant wishes to serve. People who live in the area, and businesses in the area, have been hauling their own trash and refuse to dump sites. This has caused many problems, including trash being dropped along the highway, and people allowing their trash to pile up around their premises for long periods of time before hauling it away, which has caused unsightly conditions. The proposed services of the Applicant would make it more convenient for the public to dispose of

refuse, and has, and will, improve the appearance of the areas wherein Applicant has requested authority to serve. Therefore, the present or future public convenience and necessity requires and will require the granting of the authority as hereinafter set forth, and the granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The authority sought by Applicant should be granted as hereinafter set forth.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Fred M. Little, 535 Pitkin Avenue, Saguache, Colorado, be, and hereby is, authorized to operate as a common carrier by motor vehicle for hire for the following, to-wit:

"Transportation of

Ash, trash, and other refuse

From all points located within a fifteen (15) mile radius of the Post Office in Saguache, Colorado, and from all points located within a twelve (12) mile radius of the Post Office in Crestone, Colorado, to such locations where the same may be lawfully delivered or disposed of.";

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

2. Applicant shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.
3. Applicant shall operate his carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.
4. This Order is subject to compliance by Applicant with all present and future laws and rules and regulations of the Commission.
5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as

the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Semmer

Examiner

vjr

(Decision No. 85291)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27351-Extension
JOE N. ABEYTA AND ORLANDO J. ABEYTA,)	
DOING BUSINESS AS "ABEYTA TRUCKING,"	)	RECOMMENDED DECISION OF
SAGUACHE, COLORADO, FOR A CERTIFICATE	)	ROBERT E. TEMMER,
OF PUBLIC CONVENIENCE AND NECESSITY	)	EXAMINER
AUTHORIZING EXTENSION OF OPERATIONS)	
UNDER PUC NO. 8428.	)	DENYING APPLICATION

- - - - -
June 27, 1974
- - - - -

Appearances: George W. Woodard, Esq.,
Alamosa, Colorado,
for Applicants;
Elizabeth A. Conour, Esq.,
Del Norte, Colorado, for
Fred M. Little, Protestant.

PROCEDURE AND RECORD

On February 11, 1974, Applicants Joe N. Abeyta and Orlando J. Abeyta, hereinafter referred to as Applicants, filed the above-entitled application with this Commission for authority to extend operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 27351-Extension to the application and gave due notice in accordance with the provisions of 115-6-8 (2), CRS 1963, as amended.

On March 19, 1974, Fred M. Little filed his protest with the Commission to the granting of this application.

Pursuant to law, the Commission assigned the application to Robert E. Temmer, Examiner, for the purpose of conducting a hearing and, after due and proper notice to all interested persons, firms, or corporations, set the herein matter for a hearing to be held in the County Courtroom, Saguache County Courthouse, Saguache, Colorado, on Tuesday, June 4, 1974, to commence at 9 a.m. The hearing was held at the said time and place.

As a preliminary matter to the hearing, counsel for Applicants raised an objection to the appearance of the Protestant on the basis that the Protestant had no standing to object to the extension since the Protestant did not have permanent common carrier authority from this Commission for the hauling of ash and trash. The Protestant's counsel admitted that Protestant did not have any permanent authority from the Commission. The Examiner sustained the objection to the appearance of the Protestant or the participation of the Protestant in the hearing. Therefore, the protest be, and hereby is, stricken.

Exhibits 1 through 3 were tendered and admitted into evidence, and the Applicants were given permission to file a map of the proposed territory as a late-filed exhibit. The map was duly received. The testimony of Joe N. Abeyta was also received.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based on all the evidence of record, the following is found as fact that:

1. Applicants are partners doing business as "Abeyta Trucking." The partners are Joe N. Abeyta and Orlando J. Abeyta.
2. Applicants in this matter propose to operate a public utility as defined in Chapter 115, CRS 1963, as amended.
3. This Commission has jurisdiction over the Applicants and the subject matter of this proceeding.
4. Applicants hold previously granted authority from this Commission, to wit: Certificate of Public Convenience and Necessity PUC No. 8428, which provides as follows:

"Transportation of

- (1) Livestock, hay, wool, fertilizer, and ore

Between all points located in the County of Saguache, State of Colorado, and between said points, on the one hand, and all points located within the State of Colorado, on the other hand.

- (2) Farm products, farm supplies, lumber, and building materials

Between all points located in the County of Saguache, State of Colorado, and between said points, on the one hand, and all points located within the State of Colorado, on the other hand.

RESTRICTIONS:

Item (2) of this Certificate is restricted as follows:

- (a) Against rendering any town-to-town service;
- (b) Against the transportation of potatoes and lettuce."

This is the authority to which extension is hereby sought in these proceedings.

5. Applicants own sufficient equipment and propose to acquire a 1967, 2-ton GMC truck with trash compactor for purposes of conducting operations under their proposed extension, and Applicants have sufficient experience from previous trucking operations and net worth as shown by Exhibit 1, all of which are ample and suitable for the operation of the authority applied for herein.

6. Applicants are sufficiently familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission. Further, Applicants have made or will make adequate provisions for insurance.

7. The Applicants by their extension application seek authority to haul ash and trash from an area that includes all that portion of Saguache County lying east of a line drawn from the town of Saguache to the town of Center, excluding the town of Center, but specifically including the town of Saguache, to such locations where the same may be lawfully disposed of. This territory consists in the main of all that area of Saguache County lying east of the town of Saguache and it includes the towns of Saguache, Crestone, Moffat, Villa Grove, Bonanza, Mineral Hot Springs, Hooper, and possibly some others. At the time of hearing, there was no certificated common carrier to serve this area for ash and trash hauling. However, official notice is taken of the fact that the town of Saguache and the area encompassed within a 15-mile radius of the post office in Saguache and the town of Crestone and the area encompassed in a 12-mile radius of the post office of Crestone is currently being served under temporary authority granted by this Commission to one Fred M. Little. The areas being served under the temporary authority are the major population areas of the county, including the Baca Grande Development. Official notice is also taken of the fact that Fred M. Little has applied for a certificate of public convenience and necessity for the areas he is presently serving under temporary authority and that the hearing on his application was conducted on June 5, 1974.

8. The authority to which extension is hereby sought, PUC No. 8428, has been continually operated in the past and is presently in good standing with the Commission.

9. By this application, Applicants seek to extend the authority under PUC No. 8428 as follows:

Transportation of ash and trash on call and demand from all that portion of Saguache County lying east of a line drawn from the town of Saguache to the town of Center excluding the town of Center, but specifically including the town of Saguache, to such locations where the same may be lawfully disposed of.

10. The extension applied for herein is compatible with and does not conflict with or duplicate the authority held by Applicants.

11. The Applicants failed to prove that the present or future public convenience and necessity requires or will require the granting of the authority requested. The granting of the application would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 27351-Extension should be denied.
2. Pursuant to 115-6-9 (2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27351-Extension, being an application of Joe N. Abeyta and Orlando J. Abeyta, doing business as "Abeyta Trucking," Saguache, Colorado 81149, for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 8428 be, and hereby is, denied.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)	
UNDER PERMIT NO. B-7811	)	CASE NO. TF-44
BY: LARRY D. KNOX, d/b/a)	
GRAND VALLEY RANCH SUPPLY	)	RECOMMENDED DECISION OF
P. O. BOX 1496	)	THOMAS M. McCaffrey,
RIFLE, COLORADO 81650,	)	EXAMINER
Respondent.)	

- - - - -
June 27, 1974
- - - - -

Appearances: Ralph H. Knull,
Denver, Colorado, of the
Staff of the Commission.

S T A T E M E N T

This case was instituted by an ORDER TO SHOW CAUSE AND NOTICE OF HEARING duly issued pursuant to law by the Secretary of the Commission and served upon the Respondent, Larry D. Knox, doing business as "Grand Valley Ranch Supply," on April 22, 1974. The case was duly called for hearing pursuant to such Notice on Friday, June 14, 1974, at 10 a.m., in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

Neither Respondent nor anyone on his behalf appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. This is a proceeding initiated by the Commission against Respondent, Larry D. Knox, doing business as "Grand Valley Ranch Supply," to show cause why this Commission should not revoke Respondent's Permit No. B-7811 for failure of said Respondent to properly maintain on file with the Commission tariffs as required by the law and the Rules and Regulations of the Commission. Respondent was ordered to appear before the Commission on June 14, 1974, at 10 a.m. or to file with the Commission prior to said date and time the necessary tariffs.

2. Neither Respondent nor anyone on his behalf appeared at the scheduled hearing, and evidence presented by the Staff of the Commission clearly shows that Respondent has failed to properly maintain on file with the Commission the necessary tariffs as required by law and the Rules and Regulations of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Permit No. B-7811 issued to Respondent herein should be revoked for failure to properly maintain on file with this Commission tariffs as required by law and the Rules and Regulations of the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The authority of Respondent, Larry D. Knox, doing business as "Grand Valley Ranch Supply," Post Office Box 1496, Rifle, Colorado 81650, said authority being Permit No. B-7811, be, and the same hereby is, revoked and canceled as of August 1, 1974.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McLaughlin

Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27425-PP
AMERICAN ECOLOGY DISPOSAL, INC., 1730)	
LOGAN STREET, APARTMENT 34, DENVER,)	RECOMMENDED DECISION OF
COLORADO, FOR A CLASS "B" PERMIT TO)	THOMAS M. McCAFFREY,
OPERATE AS A CONTRACT CARRIER BY)	EXAMINER
MOTOR VEHICLE FOR HIRE.)	
	DISMISSING APPLICATION

- - - - -
June 27, 1974
- - - - -

Appearances: Robert G. Shepherd, Jr., Esq.,
Denver, Colorado, for
Decker Disposal, Inc., and
United States Disposal Systems, Inc.
Protestants.

PROCEDURE AND RECORD

On March 20, 1974, Applicant filed the above-titled application with this Commission requesting authority to operate as a Class "B" contract carrier by motor vehicle for hire for the transportation services as specifically set forth in said application.

The Commission assigned Docket No. 27425-PP to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On March 29, 1974, Decker Disposal, Inc., and United States Disposal Systems, Inc., filed their protest to the granting of the application.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Thursday, June 6, 1974, at 10 a.m. The application was called for hearing at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been assigned for hearing pursuant to law.

No one appeared at the hearing on behalf of the Applicant, and Robert G. Shepherd, Jr., Esq., counsel for the above-listed Protestants, duly moved to dismiss the application on the basis of Applicant's failure to appear and also upon the basis that Applicant had failed to answer Written Interrogatories propounded to it on March 29, 1974. The Examiner, noting that a Notice of Hearing was duly served upon the Applicant, American Ecology Disposal, Inc., and also upon its attorney of record, Jack Levine, Esq., on May 9, 1974, granted Protestants' Motion to Dismiss because of Applicant's failure to appear.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT AND CONCLUSIONS

Based upon all the evidence of record, the following is found as fact and concluded that:

1. Neither Applicant nor any person on its behalf appeared at the hearing in support of this application.
2. The Examiner, upon the motion of Protestants, Decker Disposal, Inc., and United States Disposal Systems, Inc., dismissed the application because of Applicant's failure to appear and present evidence.
3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27425-PP, being the application of American Ecology Disposal, Inc., 1730 Logan Street, Apartment 34, Denver, Colorado 80218, be, and hereby is, dismissed.
2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
RAMPART AVIATION COMPANY, 1245)	
AVIATION WAY, COLORADO SPRINGS,)	APPLICATION NO. 27630-TA
COLORADO, FOR TEMPORARY AUTHORITY)	
TO OPERATE AS A COMMON CARRIER BY)	ORDER GRANTING TEMPORARY
AIRPLANE.)	AUTHORITY

July 2, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

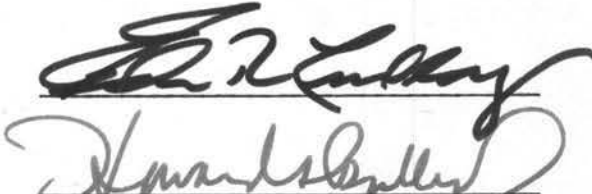
IT APPEARING, That there is an immediate and urgent need for the air carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant named in the caption above be granted temporary authority for a period not to exceed 180 days commencing as of the day and date hereof to engage in the business of transportation by aircraft to the extent and in the manner set forth in the Appendix attached hereto, which authority shall expire upon the effective date of a final decision of the Commission in Application No. 27144.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING

Appendix
Decision No. 85294
July 2, 1974

Rampart Aviation Company

Temporary authority for the transportation of persons and property on
schedule by fixed wing aircraft between the following points in the
State of Colorado:

- (1) Salida and Colorado Springs;
- (2) Salida and Denver;
- (3) Rifle and Grand Junction;
- (4) Rifle and Denver.

(Decision No. 85295)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITION TO INTERVENE

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 25, 1974 Sears, Roebuck & Company, by its attorneys Rothgerber, Appel & Powers, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Sears, Roebuck & Company be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85296)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITION TO INTERVENE

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 24, 1974 Cherry Creek School District No. 5 in the County of Arapahoe and State of Colorado, by its attorney Richard L. Banta, Jr., filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Cherry Creek School District No. 5 in the County of Arapahoe and State of Colorado be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85297)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITION TO INTERVENE

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 25, 1974 Sturgeon Electric Company, Inc., by its attorneys Rothgerver, Appel & Powers, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

The Commission states and finds that petition for intervention is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Sturgeon Electric Company, Inc., be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

(Decision No. 85298)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27316
THE BACA GRANDE CORPORATION, CRESTONE,)	
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	ORDER OF CONTINUANCE ENTERED
CONVENIENCE AND NECESSITY TO PROVIDE	)	BY HEARING COMMISSIONER
TELEPHONE SERVICE IN DESCRIBED PORTIONS	)	HOWARD S. BJELLAND
OF ALAMOSA AND SAGUACHE COUNTIES,)	
COLORADO, WHICH IS PRESENTLY CERTIFI-)	
CATED TO COLUMBINE TELEPHONE COMPANY.)	

- - - - -
June 28, 1974
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
The Baca Grande Corporation;
Elizabeth A. Conour, Attorney at Law, and
Richard E. Conour, Esq.,
Del Norte, Colorado,
originally for the
Columbine Telephone Company,
Protestant, but now withdrawn
as counsel;
Joseph F. Nigro, Esq.,
Denver, Colorado, for the
Columbine Telephone Company,
Protestant;
Bruce C. Bernstein, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

The first phase of the hearing on this application was conducted at Hooper, Colorado, on April 17 and 18, 1974, by Commissioner Howard S. Bjelland. Upon the completion of the direct case of the Applicant, the matter was set for further hearing at Alamosa, Colorado, on July 1, 2, and 3, 1974.

On June 10, 1974, Richard E. Conour and Elizabeth A. Conour filed with the Commission a Motion for Leave to Withdraw as Counsel for the Columbine Telephone Company in this particular matter. The Commission on June 14, 1974, entered Decision No. 85201 permitting the withdrawal. Thereafter, the Columbine Telephone Company proceeded to obtain the services of Joseph F. Nigro as the attorney for the Columbine Telephone Company in this proceeding, and on June 27, 1974, the Columbine Telephone Company, through its new attorney, filed a Motion to Vacate and Continue the hearings set for July 1, 2, and 3, 1974, in order that the new attorney of record for the company should have adequate time to prepare.

It appears that the motion is meritorious and that the new attorney of record should be given a reasonable amount of time to prepare for the remaining phases of the hearings. The motion, therefore, will be granted and the hearing will be continued and additional hearing dates to conclude the hearing will be set as set forth below.

O R D E R

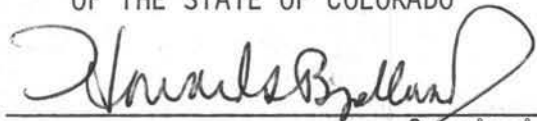
THE HEARING COMMISSIONER ORDERS THAT:

1. The present hearings set in Application No. 27316 for July 1, 2, and 3, 1974, in Alamosa, Colorado, be, and hereby are, vacated and continued.

2. A pre-hearing conference to be attended by the attorneys for the parties of record in the office of Commissioner Bjelland, 675 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, is set for 3:30 p.m., July 17, 1974. At this conference hearing dates will be set for the balance of the hearing.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

Dated at Denver, Colorado, this
28th day of June, 1974.

vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY AND ATLANTIC RICH-)
FIELD COMPANY FOR AUTHORITY TO ESTAB-)
LISH TWO PUBLIC ROAD CROSSINGS ON AN)
INDUSTRIAL RAILROAD SPUR TRACK FROM)
THE RAILROAD COMPANY'S MAIN LINE IN)
GARFIELD COUNTY, COLORADO, AT MILE-)
POST 403 OVER U.S. HIGHWAY 6-24, AND)
ALSO FOR AUTHORITY TO INSTALL AUTO-)
MATIC FLASHING LIGHT CROSSING PROTEC-)
TION AT EACH SUCH CROSSING, BOTH OF)
WHICH ARE LOCATED NEAR GRAND VALLEY,)
COLORADO.)

APPLICATION NO. 27547

RECOMMENDED DECISION OF
THOMAS M. McCAFFREY,
EXAMINER

GRANTING APPLICATION

- - - - -
July 1, 1974
- - - - -

Appearances: Eric Paul, Esq., Denver,
Colorado, for The Denver and
Rio Grande Western Railroad
Company;
John H. Baier, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On May 2, 1974, Applicants The Denver and Rio Grande Western Railroad Company and Atlantic Richfield Company filed the above-titled application for authority to establish two public road crossings as set forth in the above caption and as specifically stated in said application, and to install automatic flashing light crossing devices at each location.

The Commission assigned Docket No. 27547 to the application and, after due and proper notice to all interested persons, firms, or corporations, set the matter for hearing to be held in the Small Courtroom, Third Floor, Garfield County Courthouse, Glenwood Springs, Colorado, on Tuesday, June 18, 1974, at 1 p.m. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter was duly assigned pursuant to law.

The Commission received no protests to the granting of this application, and no one appeared at the hearing to protest such granting. As a preliminary matter, Applicants moved to amend the application so as to include the installation of short-arm gates at each respective proposed crossing, as well as the originally proposed automatic flashing light devices. The requested amendment was duly accepted by the Examiner.

Exhibits 1 through 3, inclusive, were offered and admitted into evidence; and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The Commission has jurisdiction over the subject matter involved in this proceeding.

2. The Denver and Rio Grande Western Railroad Company and Atlantic Richfield Company have entered into an agreement providing for the construction and operation of an industrial spur track, which will cross U.S. Highway 6-24 at two points, just east of the town limits of Grand Valley, Colorado, and just west of Railroad Milepost 403. The purpose of this application is to obtain authority from this Commission to establish these two public crossings and for authority to install flashing light signal protection and short-arm gates at said crossings.

3. Atlantic Richfield Company intends to construct a commercial oil shale plant some 16 miles north of Grand Valley, Colorado. In order to help in the development of the proposed oil shale plant, Atlantic Richfield has requested The Denver and Rio Grande Western Railroad Company to construct, maintain, and operate a 10,877-foot long siding on the north side of Rio Grande's main track at Grand Valley, this siding to extend from Milepost 402+332 feet. There will be two turnouts from the siding track connecting said siding track with the new spur track. The two legs of the proposed wye track will cross U.S. Highway 6-24, and it is at these two crossings that the flashing light signals and short-arm gates will be needed. Although it is anticipated that Interstate Highway No. 70 will be constructed a short distance north of the present U.S. Highway 6-24, such construction will probably not be completed in the immediate future. It will be necessary to have the proposed signals and gates at the 6-24 crossings because of the relatively high volume of vehicular traffic using this highway.

4. The railroad trackage at the crossing locations will be owned and maintained entirely by Atlantic Richfield, but the railroad has agreed to construct, or arrange for the construction of, the crossings and spur track. There is presently no existing structures on the proposed development site, but Atlantic Richfield anticipates commencement of construction within the next few months. The extent of additional industrial development in the immediate area is unknown. There remains no question, however, that Atlantic Richfield's proposed oil shale plant will require the proposed siding and spur track, and the parties anticipate that the initial use of the track will be for train traffic in connection with construction. The estimated speed of trains moving across the proposed crossings will be approximately 10 to 15 m.p.h. Trains movements, at least during the first few years will be approximately one train per day, moving at a rate of 10 to 15 m.p.h. The vehicular traffic speed limit on U.S. Highway 6-24 at this particular location is 25 m.p.h., and if this application is approved, Highway Railroad Crossing Signs will be placed on the highway to give advance warning of the crossings.

5. The parties did not initially feel that short-arm gates at the proposed crossings would be necessary, but upon due consideration it has been decided that such gates will be necessary, since the crossings are both to be located on the curving portions of the wye tracks.

6. The proposed protection devices will consist of two curb-side automatic flasher-light signal units, plus the short-arm gates, each of which will have lights on it. Upon the approach of a train, the gates will lower as a lighted holding barricade for vehicular traffic approaching the crossing in each lane. Track circuiting will have a minimum warning time of 25 seconds before the approach of a train at each respective crossing. Because the wye tracks connect with the single spur track, it would be impossible to have any more than one train on the spur track at any one time. Circuiting will be in conformance with the standards of the Association of American Railroads. It is anticipated that construction of the track will take approximately five months; and if it is necessary to use the spur trackage at any time prior to signalization, the crossings will be protected by flagmen supplied by the railroad.

The estimated cost of the crossings and signal warning devices is \$33,790, all of which is to be paid by Atlantic Richfield. As indicated above, Atlantic Richfield will own and maintain the spur track, and the railroad will own and maintain the siding at its sole cost. If Atlantic Richfield requested it to do so, the railroad will enter into a maintenance agreement for the spur track, which maintenance will be done either by railroad personnel or, in the alternative, by means of contracting such work to third parties.

7. The Denver and Rio Grande Western Railroad Company, Atlantic Richfield Company, and the Colorado State Department of Highways are presently engaged in negotiations concerning rights-of-way across U.S. Highway 6-24, and the Highway Department has indicated that such approval will be given in the near future.

8. It is hereby found as fact that the two proposed crossings as requested in this application should be authorized, and such crossings, together with the automatic flashing-light signal devices and warning gates will be in the public interest and safety.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. The authority sought in this application to establish two public road crossings on an industrial spur track at two points just east of the town limits of Grand Valley, Colorado, and just west of Railroad Milepost 403 should be granted; and the authority to install automatic flashing-light crossing protection and short-arm gates at the two crossings should also be granted to promote the public safety.

2. As provided in the written agreement entered into between The Denver and Rio Grande Western Railroad Company and Atlantic Richfield Company, the entire cost of installing and constructing the proposed crossings and warning devices shall be paid by Atlantic Richfield Company.

3. As provided by 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27547, being the application of The Denver and Rio Grande Western Railroad Company and Atlantic Richfield Company for authority to establish two public road crossings on an industrial railroad spur track from the mainline of The Denver and Rio Grande Western Railroad Company in Garfield County, Colorado, immediately west of Railroad Milepost 403, together with the installation of automatic flashing light signals and short-arm gates, be, and hereby is, approved.

2. The construction of the said crossings and installation of the crossing protection devices shall be done by The Denver and Rio Grande Western Railroad Company, and the entire cost of construction and installation shall be paid by Atlantic Richfield Company in accordance with the agreement entered into between the parties, which agreement is by reference incorporated into and made a part hereof.


3. The signal devices and installation shall all be in conformance with the Current Bulletin (No. 6) for the Railroad-Highway Grade Crossing Protection by the Association of American Railroads.

4. The Commission hereby retains jurisdiction to make such further order or orders as may be required in this matter.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties; who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jp

(Decision No. 85300)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DENVER CLIMAX TRUCK LINE, INC.,)
4250 ONEIDA STREET, DENVER, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY)
TO EXTEND OPERATIONS UNDER CONTRACT)
CARRIER PERMIT NO. B-6530.)

APPLICATION NO. 27684-PP-Extension-ET

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
July 2, 1974
- - - - -

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

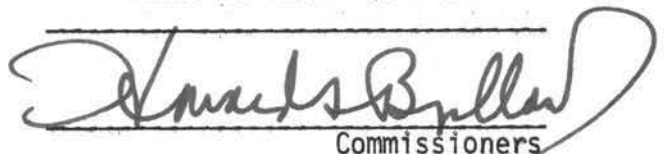
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

Appendix
Decision No. 85300
July 2, 1974

Denver Climax Truck Line, Inc.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This emergency temporary authority is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED)	
ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT E. TEMMER,
Respondents.	)	EXAMINER

- - - - -
July 1, 1974
- - - - -

Appearances: George L. Baker, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 10, 1974. The matters were duly called for hearing pursuant to such notice on Monday, June 24, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.
2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

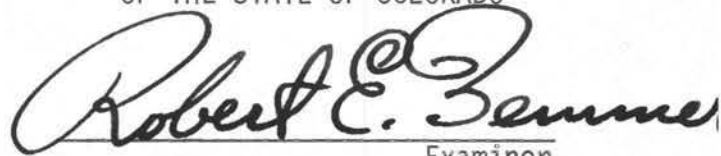
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
nlr
jp

(Decision No. 85301

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Glenn & Myrtle Freeland, dba Morgan Cab Company 311 East Kiowa Fort Morgan, CO 80701	1416	1232-H-Ins.
Hobson Rand 1608 East 25th Avenue Denver, CO 80218	3685	1233-H-Ins.
L. C. Cochran 405 North Avenue Oberlin, KS 67749	4517-I	1234-H-Ins.
Larson Distributing Co. 5925 North Broadway Denver, CO 80216	4527-I	1235-H-Ins.
O. B. & J. E. Barsh, dba Barsh Produce Co. 25 North Trenton Tulsa, OK 74120	5112-I	1236-H-Ins.
Tommy Evans & Roy Conner, dba Evans & Conner Livestock Transportation 215 West Ottawa McAlester, OK 74501	5556-I	1237-H-Ins.
Lynn E. Schmer 4412 East Mulberry Fort Collins, CO 80521	6697-I	1239-H-Ins.
Estate of J. C. Reinhard, dba Colorado Warehousing & Transfer Co. 207 1/2 West Las Animas Colorado Springs, CO 80902	6951-I	1240-H-Ins.
Estate of J. C. Reinhard, dba A-1 Transfer and Storage 207 West Las Animas Colorado Springs, CO 80902	6974-I	1241-H-Ins.
E. L. Jackson, dba Jackson Truck Lines P. O. Box 684 Conway, AR 72032	7691-I	1243-H-Ins.
E. A. Tolman, Inc. Route 2 Twin Falls, ID 83301	8024-I	1244-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Grady Archie Route 2 South Fulton, TN 42401	8306-I	1245-H-Ins.
Weatherford Cattle Company, Inc. Route 1 Strafford, MO	8656-I	1246-H-Ins.
J. H. Sutton P. O. Box 26811 El Paso, TX 79926	8737-I	1247-H-Ins.
B. George Light 305 East Weatherford Weatherford, TX 76086	8909-I	1248-H-Ins.
O. L. Hardison, dba Hardison Livestock Hauling 112 Kell Boulevard Wichita Falls, TX 76301	8981-I	1249-H-Ins.
Danny L. Smith 255 California Street Sterling, CO	9027-I	1250-H-Ins.
Plastic Supply, Inc. 339 South West 6th Street Des Moines, IA	9124-I	1251-H-Ins.
Carl Bryan Route 1 Happy, TX 79042	9131-I	1252-H-Ins.
Gerald Betts Box 199 Central City, NE 68826	9306-I	1253-H-Ins.
G. B. C., Inc. 707 North Liberty Hill Road Morristown, TN 37813	9453-I	1255-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Leon Johnson 2890 Colorado Boulevard Denver, CO 80207	B-8023	1260-H-Ins.
Tom, Castor, Melvin Fleming & J. D. Estep, dba Flesco Contracting Company Drawer U, 44 North Chestnut Street Cortez, CO 81321	B-8068	1263-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

NAME AND ADDRESSPERMIT NO.CASE NO.

David L. Gobbo
Box 121
Craig, CO 81625

B-8098

1264-H-Ins.

Phillip Johnson & George
Heaton, dba Ramada Inn Denver
Foothills
11595 West 6th Avenue
Lakewood, CO 80215

B-8278

1265-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

(Decision No. 85302)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W.M.W. CORPORATION, A COLORADO)
CORPORATION, 526 PINE, GLENWOOD)
SPRINGS, COLORADO, FOR EMERGENCY)
TEMPORARY APPROVAL TO CONDUCT OPER-)
ATIONS UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
1681, PENDING DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID CERTIF-)
ICATE.)

APPLICATION NO. 27685-Transfer
Portion-ETA
ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

July 2, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That pending the determination of the permanent application there is an immediate and urgent need for the emergency temporary approval herein sought; and that failure to immediately grant emergency temporary approval may result in the destruction of, or injury to, such carrier or carrier properties sought to be acquired, or to interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

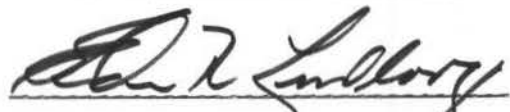
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee(s) herein be granted emergency temporary approval for a period of fifteen (15) days commencing as of the day and date of this Order, to operate under the authority as set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - AGENT


Commissioners

(Decision No. 85303)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. L. KLUTTS, DOING BUSINESS AS)
"KLUTTS CONSTRUCTION," 1474 NORTH)
YAMPA, #55, CRAIG, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27686-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

- - - - -
July 2, 1974
- - - - -

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

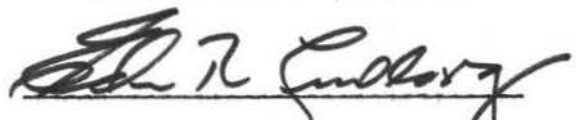
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

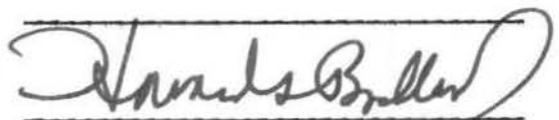
IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT



Commissioners

Appendix
Decision No. 85303
July 2, 1974

Klutts Construction

Transportation of

Coal

Between all points located within the County of Moffat, State of Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only Empire Energy Corporation, Craig, Colorado.

(Decision No. 85304)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY PUBLIC SERVICE)
COMPANY OF COLORADO UNDER ADVICE LETTER)
NO. 190.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 868

ORDER GRANTING
PETITION TO INTERVENE

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 21, 1974 Cherry Creek School District No. 5 in the County of Arapahoe and State of Colorado, by its attorney Richard L. Banta, Jr., filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 10:00 A.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Cherry Creek School District No. 5 in the County of Arapahoe and State of Colorado be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

(Decision No. 85305)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN TARIFF)	DOCKET NO. 867
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY UNDER)	ORDER GRANTING
ADVICE LETTER NO. 987.)	PETITION TO INTERVENE

- - - - -
July 2, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 28, 1974 The Regents of the University of Colorado, a body corporate, by its attorneys filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Regents of the University of Colorado be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

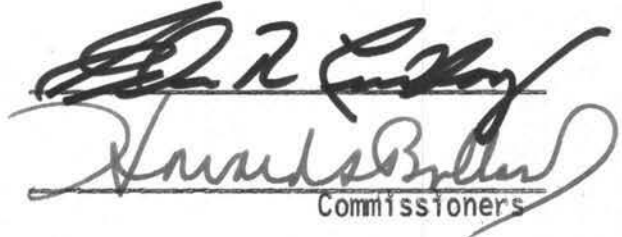
COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN RATES OF)	DOCKET NO. 848
HOME LIGHT AND POWER COMPANY, 810)	
NINTH STREET, GREELEY, COLORADO,)	ORDER OF THE COMMISSION
FILED UNDER ADVICE LETTER NO. 26.)	ESTABLISHING NEW RATES

- - - - -
July 2, 1974
- - - - -

Appearances: Donald D. Cawelti, Esq.,
Denver, Colorado,
for Respondent.
Oscar Goldberg, Esq.,
Denver, Colorado, for the
Staff of the Commission.

PROCEDURE AND RECORD

Home Light and Power Company, hereinafter referred to by name or as Respondent, filed with this Commission on February 20, 1974, its Advice Letter No. 26, Colorado PUC No. 10-Electric, accompanied by 25 tariff sheets. The stated purpose of such filing was to increase the revenues of Respondent by approximately \$489,300 in order to earn a rate or return on common equity of 12.14 percent and an over-all return of 8.89 percent on its net average utility rate base. The proposed rates would have become effective on 30 days' notice, unless suspended by the Commission.

The Commission, by Decision No. 84653, dated March 12, 1974, suspended said proposed rates for a period of 120 days until July 20, 1974, or until further order of the Commission. Further, the Commission set the matter for hearing on April 16 and 17, 1974, to continue on April 18 and 19, 1974, if necessary, at 10 a.m. in the Blue Flame Room Greeley Gas Company, 1200 - 11th Avenue, Greeley, Colorado.

After due and proper notice to all interested parties, the matter was heard at the aforementioned time and place by Examiner Robert L. Pyle, to whom it was duly assigned. Only two members of the public appeared at the hearing, and both testified in support of the proposed tariff of Respondent. No one appeared or testified in protest to Respondent's tariff filing.

Clark B. Ewald, the President of Respondent, and M. A. Smith, the Vice President and Secretary of Respondent, testified in support of the proposed tariffs. James D. Grundy, George Parkins, and Kent A. Teall testified as members of the Staff of the Commission. Respondent's Exhibits A through H were tendered and admitted into evidence, and Staff's Exhibits 1 through 6 were tendered and admitted into evidence. The hearing was concluded on April 18, 1974, at which time the Examiner stated his basic conclusions as to the rate adjustments to be made by Respondent and directed counsel for Respondent to prepare and submit a form of Order incorporating those conclusions. Such a proposed recommended decision was submitted. On May 29, 1974, the Hearing Examiner entered his Recommended Decision (No. 85087).

On June 14, 1974, the Commission, on its own motion, entered Decision No. 85211 staying the Recommended Decision (No. 85087) of the Hearing Examiner pending reconsideration and final determination of such decision.

Upon reconsideration the Commission finds upon the record that it should enter the following decision and order which adopts in part, rejects in part, and generally modifies the Findings of Fact and Recommended Decision of the Hearing Examiner.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Home Light and Power Company is a public utility operating company engaged in the purchase, distribution and sale of electric energy in various cities, towns, communities and rural areas in Weld County, Colorado. Its principal distribution center is in the city of Greeley and areas adjacent thereto. The company also supplies electric service in the incorporated cities and towns of Ault, Eaton, Evans, Garden City, Gilcrest, Kersey, LaSalle, Nunn, Pierce and Rosedale, and in the unincorporated towns or communities of Barnesville, Briggsdale, Farmers Spur, Galeton, Gill, Lucerne and Peckham.

2. The Commission has jurisdiction over the Respondent and the subject matter herein which concerns revised rates in the entire service territory of Respondent.

3. The average number of customers served by Respondent during the year 1973 was 27,332. Of this total number, 22,567 were residential, 4,052 were commercial, 559 were irrigation customers, 38 were industrial, and 116 were municipal accounts.

4. Respondent's electrical system is comprised of a 44,000-volt system serving 14 substations, which feed a 12,470-volt primary distribution system throughout its territory. Respondent has two main delivery points to its 44 kv system. These are the Public Service Company of Colorado substation in Greeley and the Rosedale substation near the town of Evans. Respondent presently has approximately 76 miles of 44,000-volt lines and 1,000 miles of 12,470-volt lines. At year-end 1973, Respondent had 103 employees, approximately 61 of whom are generally construction, operation, and maintenance crews of the Respondent. The remaining 42 employees are involved in management, accounting, engineering, billing, and customer service. Respondent is solely in the electric distribution business and does not retail appliances or offer any other utility services.

5. Respondent purchases its entire electric requirements from the Public Service Company of Colorado and has no generating facilities of its own. During the decade of the '60s, Respondent experienced steady annual growth, which was accelerated in 1968 when the Eastman Kodak Company located a major manufacturing facility about 10 miles west of the city of Greeley. As an illustration, there were 264 building permits issued by the city of Greeley in 1969, and reached a peak in 1972 of 1,315 living units. The significance of this growth is that Respondent cannot rely on the existing plant to continue service to its customers. It must build substantial new plant at today's inflated costs, with funds obtained at today's higher cost of money.

6. Following the same periods of time as above, in the decade of the '60s, Respondent's annual construction expenditures average \$700,000. In 1971, construction outlays were \$1,353,000. In 1972, this jumped to \$2,202,000 and were \$2,088,000 for 1973. Current projections indicate a continued annual rate of approximately \$2,000,000 spent for construction during the next five years.

7. While the cost of money constituted the largest single increase in expenses for Respondent during 1973, Respondent is also affected by increasing costs in all phases of its operation; for example, interest and other expenses related to Respondent's debt for the year 1973 increased \$142,000, or 70.2 percent over 1972. During the same period, salaries and wages paid by Respondent increased \$143,215, or 15.2 percent. It is noted that this increase was due to a 6.3 percent increase in the number of employees as well as increased wage rates and additional over-time. Wage rates themselves increased 7.1 percent in 1973 over 1972. The cost of materials and supplies have also increased dramatically; for example, a typical 35-foot wood pole has increased from \$46 to \$74.80, or 62.6 percent in the past year; a typical crossarm increased 44.5 percent in cost; while a 336 ACSR conductor was up in price 66.7 percent; a 500 MCM copper weather-proof conductor jumped 80.8 percent in the one-year period; paper costs have increased 15 percent in the past year; and new postage rates will mean an increase of approximately \$6,500, or 25 percent, during the current year.

8. The test year for determination of rate base, rate of return, and revenue requirements for Respondent in these proceedings is the 12-month period ended December 31, 1973.

9. The rate base of Respondent used and useful in its operations is \$13,560,041 (Respondent's Exhibit D) properly consisting of:

(a) Average utility plant in service	\$17,436,360
(b) Construction work in progress	208,517
(c) Utility materials and supplies	845,128
(d) Prepayments	7,538
(e) Deduction for contributions in aid of construction	(591,837)
(f) Deduction for reserve for depreciation	(4,345,665)

10. Respondent's total operating revenue after in-period adjustments was \$7,262,129. The operating revenue deductions for the same period after in-period adjustments consist of \$6,292,318, leaving net operating earnings amounting to \$969,811.

11. The use of a test year requires that proper relationships be established between rate base, revenues, and expenses that may prevail for a reasonable period in the future when the rates will be in effect. To help maintain such relationship, certain adjustments must be made to test year figures that will normalize and amortize their effect in ensuing years. Some of the adjustments included in the foregoing findings are:

- (a) By reason of accruals to pay property taxes and federal income taxes, funds are available to the company to meet the cash working capital requirements of the company and, accordingly, no cash working capital has been permitted as a part of the company's rate base.

- (b) Certain changes which occurred in the company's revenues and expenses during the test year were annualized to give effect to such changes in the future operations of the company. These in-period adjustments included annualization of the rate increase which became effective May 1, 1973; the annualization of fuel adjustment clause billing to company customers affected by such fuel adjustment clause; a corresponding adjustment to expenses to annualize the effect of the fuel adjustment clause in the payments made by the company to its electric supplier, Public Service Company of Colorado; annualization of wage increases and corresponding social security taxes resulting therefrom; a two-year proration of the company's estimated expenses of its rate proceeding; decreases in federal and state income taxes resulting from the foregoing in-period adjustments.

12. Respondent's conservative financial policies have resulted in a strong financial position as evidenced by its satisfactory interest coverage, its high equity ratio, the desirability of its common stock which is priced at 1.6 times earnings and 1.48 times book value, its ability to finance internally a large part of its construction program, and its lack of necessity to seek rate relief since 1954.

13. The relatively high equity ratio and the corresponding lack of leverage in Respondent's capitalization is not advantageous to the ratepayer since it requires greater revenues to provide a specific return on equity than it would had Respondent utilized debt financing to a greater extent in past years.

14. In determining Respondent's cost of capital, consideration must be given to the effect of cost-free funds on Respondent's capitalization. Certain tax reserves constitute cost-free funds to Respondent and have been considered in determining the over-all cost of capital. Accordingly, such reserves cannot be and are not deducted from rate base. Therefore, a proper and reasonable structure for rate-making purposes in this proceeding is as follows:

	<u>Capitalization 12/31/73</u>	<u>% of Total</u>
Deferred Income Taxes	\$ 707,378	5.01
Long-term Debt	5,661,000	40.14
Preferred Stock	300,000	2.13
Common Stock Equity	<u>7,436,397</u>	<u>52.72</u>
	\$14,104,775	100.00

15. A rate of return on common equity of 11.25 percent indicates a total cost of capital to Respondent of 8.42 percent as follows:

	<u>Capitalization 12/31/73</u>	<u>% of Total</u>	<u>Annual Rate</u>	<u>Pro Forma % Cost</u>
Deferred Income Taxes	\$ 707,378	5.01	0.00	0.00
Long-term Debt	5,661,000	40.14	5.95	2.39
Preferred Stock	300,000	2.13	4.50	.10
Common Stock Equity	<u>7,436,397</u>	<u>52.72</u>	<u>11.25</u>	<u>5.93</u>
	\$14,104,775	100.00		8.42

16. A fair rate of return on Respondent's rate base is 8.42 percent, which rate of return is both adequate and necessary to service its debt, pay a reasonable dividend, provide for reasonable accumulation of surplus, and maintain the financial integrity of the company.

17. A return on rate base of 8.42 percent would produce a return on common equity of 11.25 percent and should continue to do so for a reasonable time in the future. A return on common equity of 11.25 percent is found to be fair and reasonable in the present rate case.

18. The required net operating earnings based upon test year conditions and after applying the fair return of 8.42 percent to the appropriate value of Respondent's rate base of \$13,560,041 are \$1,141,755.

19. Respondent's existing rates produce and will continue to produce less than a fair rate of return. The earnings deficiency based upon the test year are as follows:

Net Operating Earnings (Finding 17, <u>supra</u>)	\$1,141,755
Test year adjusted Net Operating Earnings (Finding 12, <u>supra</u>)	<u>969,811</u>
Net Operating Earnings Deficiency	\$ 171,944

20. A gross revenue increase of \$355,327 is needed to overcome the earnings deficiency stated in Finding No. 19, calculated as follows:

Gross Revenue Increase	\$355,327
Less:	
Franchise Tax	\$ 7,262
State Income Tax	17,403
Federal Income Tax	<u>158,718</u>
	<u>183,383</u>
Net Operating Earnings Deficiency	\$171,944

This would, in effect, be an over-all increase in total revenue of 4.91 percent.

21. Having determined Respondent's revenue requirements, it is necessary to decide from which customer classifications these revenues shall be derived -- how the rate increase should be spread. The rates filed by Respondent spread the increase to all rate classifications with increases ranging between 6.5 percent for commercial customers to 9.7 percent for irrigation power.

It is determined, however, that the Respondent's existing rates vary substantially from the "cost of service" by rate classification as extended and determined by Staff. To properly adjust Respondent's rates to a less anomolous relationship with its cost of providing service, the Staff suggested modification in the spread of the increase in rates sought by Respondent, which suggestion is found to be proper. The Staff tempered its suggestions with the caution that Respondent should update its Cost of Service Study and that the matter should receive further attention upon presentation of a new Cost of Service Study, particularly in the area of municipal customers and irrigation customers, where, in the latter case, an attempt should be made to determine average usage over a number of irrigation seasons.

Based upon the foregoing, the spread of the rates should be amended by elimination of any increase in the rates charged in the commercial classifications, and to municipal users, and obtaining the

required increased revenues from the remaining customers by increase in each classification in the following percentages and amounts:

Urban Residential	7.89%	\$169,625
Rural Residential	7.76%	\$ 62,484
Industrial	7.90%	\$ 85,847
Irrigation	11.85%	\$ 38,522

22. Exhibit A attached hereto and incorporated herein by this reference sets forth the adjustments to Respondent's rates necessary to produce the foregoing revenue increases.

DISCUSSION

It long has been a policy of this Commission to modify the return on equity to reflect the effect of the debt-equity ratio comprising a utilities capitalization. If a utility has availed itself of a reasonable amount of debt financing, which leverage increases return, as well as risk, to the stockholder and correspondingly lowers costs to the ratepayer, the Commission has tended to allow a higher return on equity. On the other hand, where an equity ratio appears to be high, thereby reducing the risk to equity holders, the Commission, generally speaking, has provided a lower return on equity. Obviously, as the percent of equity grows in the capital structure, it takes an increasing amount of revenue dollars supplied by the ratepayer to provide a constant rate of return.

Home Light and Power Company has a long history of equity financing, primarily through the conversion of retained earnings to common stock equity by the issuance of stock dividends, and in fact has only had two debt issues in the last 10 years. It has had a very conservative dividend policy with its average payout being only 33.2 percent, resulting in high retained earnings which has enabled it to finance its construction program from internally generated funds to a large degree. Such actions have maintained Respondent in a strong financial position. In fact, the price of its stock at \$25 per share was 16 times earnings and 1.48 times book value at a time when many utilities' stocks were selling below book value. Respondent's witness stated that it will rely heavily on debt financing during the next several years. Had debt financing been engaged in to a greater degree in past years, at the lower interest rates then prevailing, Home's ratepayers would have derived more of the benefits of its financial strength. Should Respondent now proceed to finance new construction with debt issues, the company should under the rate increase and structure authorized herein, be able to earn a higher return for its stockholders.

Home's witness stated that a 12 percent return on equity was appropriate, but the record fails to reveal any real justification for it in the way of studies or comparisons. On the other hand, a Staff witness did make a comparative study of 26 other electric utility companies of comparable size which showed that while Respondent had only a slightly higher equity percentage, it had a considerably higher return on equity than the median for the other companies in the years 1971 and 1972. In addition, its interest coverage both on a before and after taxes basis was considerably higher than that of the median of the same 26 companies. Thus, the well being of Home compared to other companies in the same revenue class is affirmed.

Respondent argued that these companies were not comparable because many of them were subsidiaries of other companies and several of them had 100 percent equity ratios.

The fact that a company may be a subsidiary has little bearing on its rate of return as it has been the experience of this Commission that all companies are entitled to a fair return by law whether or not it is a parent firm or a subsidiary. In addition, oddities of random selection in constructing a comparable group of companies are ejected through use of the median. It is the Commission's thought that such a comparison is useful in evaluating the results of Respondent in 1971 and 1972.

Staff recommended a return on equity of between 10.3 percent and 10.6 percent which would return Respondent to its approximate return in 1971 and 1972. It is unfortunate that figures were not available for 1973 by which the same comparisons could be made. However, it is clear from the record that many of these companies to which Home was compared by Staff have received increases in the last year which would place Home in a less favorable position in regard to the median. Therefore, to retain the financial integrity of Respondent and at the same time take into account that it has had a policy of maintaining a relatively high equity ratio, the return on equity should be 11.25 percent.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The existing electric rates of Respondent do not now, and will not in the foreseeable future, produce a fair and reasonable rate of return to Respondent; such rates in the aggregate are not just and reasonable or adequate; based on test year conditions, the earnings deficiency for Respondent is as stated in Finding No. 19 hereinabove, and the gross revenue increase needed to meet this earnings deficiency is as set out in Finding No. 20 hereinabove; just, reasonable and not unjustly discriminatory rates will result by adjusting rates filed by Respondent as shown in Appendix A hereto attached.

2. Respondent should prepare and file new tariff sheets in accordance with the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariffs filed by Respondent under its Advice Letter No. 26 be, and the same hereby are, permanently suspended.

2. Respondent be, and hereby is, authorized to file electric rates and tariffs in accordance with Appendix A attached hereto and made a part hereof.

3. Investigation and Suspension Docket No. 848 be, and hereby is, closed.

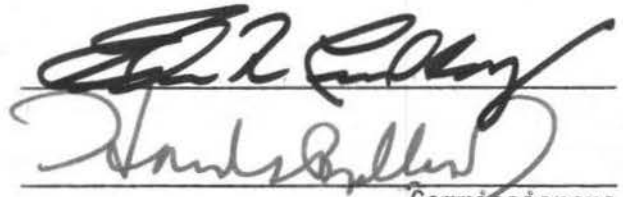
4. Respondent is directed to prepare and file with the Commission a cost-of-service study within a reasonable period of time.

5. After this Order becomes effective, the tariff revisions referred to in paragraph 2 may be filed to become effective on not less than one (1) day's notice in accordance with Chapter 115-3-4(1), CRS 1963, as amended, without additional notice.

6. This Order shall become effective twenty-one (21) days from date, except as to Ordering Paragraph Number 1 which shall become effective on July 20, 1974.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

APPENDIX A: ELECTRIC RATES EFFECTED BY THIS ORDER

Company Rate Code	Schedule	Block	Currently Effective Rate \$	Effective Revenue \$	Effective By This Order Rate \$	Effective Revenue \$
2	Urban	Minimum	1.22	7,920	1.35	8,764
2W	Residential	1st	.051	540,935	.0545	582,289
		2nd	.0337	346,890	.0360	372,894
		3rd	.0204	383,461	.0219	414,273
		4th	.0127	83,500	.0137	90,604
		5th	.0153	786,126	.0164	849,633
				2,148,832		2,318,457
6	Rural	Minimum	2.45	128,452	2.70	141,559
6W	Residential	1st	.0408	156,330	.0431	166,462
		2nd	.0204	215,647	.0218	232,165
		3rd	.0127	63,760	.0145	73,246
		4th	.0153	240,526	.0160	253,767
				804,715		867,199
19	Irrigation	Minimum	21.42	10,453	22.20	11,132
		1st	.0714	130,569	.074	135,283
		2nd	.0204	68,029	.024	80,040
		3rd	.0127	116,051	.015	137,167
				325,100		363,622
23	Industrial	Minimum	214.20	14,949	228.12	15,921
		1st Demand	1.63	147,879	1.73	157,838
		2nd Demand	1.48	174,880	1.57	187,175
		1st	.0102	217,997	.0109	234,629
		2nd	.0087	177,809	.0092	189,669
		3rd	.0071	132,332	.0081	151,727
		4th	.0066	220,604	.0070	235,338
				1,086,450		1,172,297
	All Commercial			2,375,586		2,375,586
	All Municipal			160,835		160,835
	Total Company			6,901,518		7,257,996
	Increase					356,478
	Dollars					5.17
	Percent					

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
CONTRACT CARRIERS LISTED ON)	
"APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	THOMAS M. McCaffrey,
Respondents.	)	EXAMINER

- - - - -
July 2, 1974
- - - - -

Appearances: George L. Baker, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 17, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 1, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Thomas M. McCaffrey, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose that the requirements, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep on file with the Commission the requirements as listed in "Appendix A," and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McCaffrey
Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
William Berg 5400 Marion Street Denver, CO 80216	27420-PP	PLPD Ins., Tariff, Issuance fee	266-App.
Calvin Hobley 2932 Franklin Street Denver, CO 80205	27413-PP	PLPD Ins.	268-App.
Alex Scheetz and Richard Kelly dba Scheetz & Kelly Route 1, Box 34 Greeley, CO 80631	27391-PP	Tariff	274-App.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27378-PP-Extension
PASQUALE VARRA, DOING BUSINESS AS)	
"VARRA ENTERPRISES," ROUTE 2, BOX	)	RECOMMENDED DECISION OF
640, BROOMFIELD, COLORADO, FOR	)	THOMAS M. McCaffrey,
AUTHORITY TO EXTEND OPERATIONS UNDER	)	EXAMINER
PERMIT NO. B-7684.)	
	)	DENYING APPLICATION

July 2, 1974

Appearances: Pasquale Varra, Broomfield,
Colorado, pro se;
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Duffy Storage & Moving Co.
and Weicker Transfer &
Storage Co., Protestants.

PROCEDURE AND RECORD

On February 25, 1974, Applicant Pasquale Varra, doing business as "Varra Enterprises," filed the above-titled application with this Commission for authority to extend operations under Permit No. B-7684 as specifically set forth in said application.

The Commission assigned Docket No. 27378-PP-Extension to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

On March 28, 1974, Duffy Storage & Moving Co. and Weicker Transfer & Storage Co. filed their protests to the granting of this application.

After due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be held in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, on Tuesday, May 28, 1974, at 10 a.m. The hearing was held at the said time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

As a preliminary matter, Applicant moved to amend the application by substituting specific pieces of equipment and machinery for the general words "machinery and equipment" as contained in the original application, and further changing the language of the original restriction so as to read, "all transportation hereunder shall be performed for and in connections with landscaping services." The proposed amendment, being clearly restrictive in nature, was accepted by the Examiner. Upon acceptance of the amendment, both Protestants withdrew their protest, and the hearing proceeded as an uncontested matter.

No supporting shipper witnesses appeared at the hearing, and the Examiner granted Applicant's request to have the proposed customers file notarized letters from each customer setting forth their respective present and specialized needs for Applicant's services, said letters to be filed on or before June 15, 1974. Notarized letters from four proposed customers were duly filed.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is an individual, doing business as "Varra Enterprises," Route 2, Box 640, Broomfield, Colorado.

2. Applicant in this application proposes to operate as a contract carrier by motor vehicle, and, pursuant to Chapter 115, CRS 1963, as amended, the Commission has jurisdiction over said Applicant and the subject matter of this proceeding.

3. Applicant presently holds authority from this Commission under Permit No. B-7684, of which the Examiner on his own motion hereby takes official notice and which provides as follows:

"Transportation of

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

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

- (2) Sand and gravel

From pits and supply points in the State of Colorado to railroad loading points and to homes and small construction jobs within a radius of one hundred (100) miles of said pits and supply points;

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

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

(4) Insulrock

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

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

4. The authority to which extension is hereby sought, Permit No. B-7684, has been continually operated in the past.

5. By this application, Applicant seeks to extend authority under Permit No. B-7684, so as to include the following:

Transportation of bulldozers, loaders, draglines, tractors, graders, and backhoes

Between all points within Weld, Boulder, Denver, Jefferson, Grand, and Adams Counties.

RESTRICTIONS:

1. All transportation under this Permit shall be performed for and in connection with landscaping services;
2. All services rendered under this authority shall be restricted to the following customers only:
Peko Construction Company, 4645 South Inca Street, Englewood, Colorado; Flint Construction Company, Box 155, Fort Lupton, Colorado; Siegrist Construction Company, 7000 York Street, Denver, Colorado; Leach & Arnold Construction, 2305 Broadway, Boulder, Colorado; Bailey Sand and Gravel, 6 Garden Center, Room 232, Broomfield, Colorado.

This requested extension of authority does not conflict with or duplicate authority presently held by Applicant.

6. Of the five customers Applicant proposes to serve, all except Bailey Sand and Gravel submitted notarized letters stating their support of this application. Only one prospective customer, viz., Leach & Arnold Engineering & Construction, enumerates the type of equipment it wishes the Applicant to transport, this equipment being "backhoes, tampers, fork lifts etc." Of the remaining three prospective customers who submitted letters, only the words "equipment" (Siegrist Construction Co. and Flint Engineering), and "construction equipment" (Peko Construction Co.) are used. There is no indication that these firms are aware of the enumerated types of equipment Applicant has requested in this application, as amended, and certainly in none of the letters is there any indication that any of the proposed customers have a present and special need for Applicant's services which could not be fulfilled by either their own firms or presently authorized common carriers. These firms may have a special and private need for Applicant's services, but the information contained in the letters submitted herein is insufficient to find such need now exists or in the future will exist. If indeed the services Applicant proposes to render do constitute true contract carriage within the criteria established by this Commission, Applicant should refile this application, setting forth definitively in his application the commodities he proposes to transport and furnish sufficient evidence to establish that the proposed services are true contract carriage.

7. Information contained in the supporting letter from proposed customer Leach & Arnold Engineering & Construction, Inc., is, in itself, sufficient reason for denying the instant application. This firm's letter, signed by Mr. Eugene E. Arnold, President, states, in pertinent part:

"We are in the utility construction business and need our heavy equipment moved from time to time. This equipment consists of backhoes, tampers, fork lifts etc. We have heretofore contracted with Mr. Varra to move this equipment. He has handled this business very well. We would hope that you will renew the PUC license so that we might continue having Mr. Varra do the equipment moving for us."

This quoted portion of this firm's letter indicates that Applicant has, without authority from this Commission, been performing transportation services, which are the same or similar to the authority he requests in this application. Such unauthorized service cannot, and will not, be rewarded with a grant of authority making such operations legal and proper. While such unauthorized operations may not have been intentional, Applicant should, if this application is refiled, present sufficient evidence to explain the conduct of past services rendered Leach & Arnold Engineering & Construction.

8. Applicant has failed to show that the existing common carrier service is inadequate, that the service he proposes to render is, in fact, true contract carriage, or that a present or future private or personal need exists for the proposed service. The granting of this application would thus not be in the public interest, and this application should be denied.

9. If this application were granted, Applicant has sufficient experience, equipment, and net worth for the operation of the proposed authority, but there is a serious question whether Applicant is sufficiently familiar with and is willing to abide by the rules and regulations of this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Application No. 27378-PP-Extension should be denied.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 27378-PP-Extension, being an application of Pasquale Varra, doing business as "Varra Enterprises," Route 2, Box 640, Broomfield, Colorado, 80020, be, and hereby is, denied.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. Mc Caffrey
Examiner
nlr
hbp

(Decision No. 85309)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
COLORADO AEROMOTIVE COMPANY, DOING	)	APPLICATION NO. 27144
BUSINESS AS "RAMPART AVIATION COMPANY,")	
1245 AVIATION WAY, COLORADO SPRINGS,	)	ORDER OF ROBERT L. PYLE,
COLORADO, FOR A TEMPORARY CERTIFICATE	)	EXAMINER
OF PUBLIC CONVENIENCE AND NECESSITY)	
AUTHORIZING OPERATIONS AS A COMMON	)	CONTINUING HEARING
CARRIER BY AIRPLANE.)	

July 3, 1974

Appearances: Frederic M. Wise, Esq., Colorado Springs,
Colorado, John P. Thompson, Esq., Denver,
Colorado, and Susan Ayer, Esq., Denver,
Colorado, for Applicant;
Arthur T. Voss, Esq., Denver, Colorado,
for Frontier Airlines, Inc., Protestant;
Anthony F. Prinster, Esq., Grand Junction,
Colorado, for Monarch Aviation, Inc.,
Protestant;
Robert S. Wham, Esq., Denver, Colorado,
for Rocky Mountain Airways, Inc.,
Protestant;
John H. Baier, Denver, Colorado, of the
Staff of the Commission.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was filed with the Commission on November 20, 1973, and under date of December 14, 1973, by Commission Decision No. 84215, Applicant was granted temporary authority to operate a scheduled service by fixed wing aircraft, as indicated in said decision.

The Commission assigned Docket No. 27144 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

Protests were duly filed by the Protestants noted in the "Appearances" above, and after due and proper notice to all interested parties, the application was set for hearing to begin in Salida, Colorado, on Tuesday, February 26, 1974. However, settings were later changed and hearings were held in Rifle on February 28, 1974, in Salida on April 11, 1974, and in Denver on June 17, 1974, at which places the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

At the scheduled final day of hearing in Denver on June 17, 1974, your Examiner was advised that neither Mr. Joseph R. Conway, the President of Applicant corporation, nor the Applicant corporation could show financial responsibility. Counsel for Applicant, therefore, requested a continuance of the case for a period of 90 days or until September 17, 1974, at which time, Applicant will hopefully appear before the Commission and show financial responsibility. The motion contained the proviso that if financial

responsibility could not be shown by that date (September 17, 1974), then a dismissal of the application would be requested. In view of the strong public support, the fact that the application (as finally amended) was not protested, and all things considered, the motion was granted.

During the course of the hearing, Applicant finally restrictively amended its application so as to provide for:

"Transportation, by fixed wing aircraft, on schedule, of persons and property

between:

1. Salida and Colorado Springs
2. Salida and Denver
3. Rifle and Grand Junction
4. Rifle and Denver."

The amendment being restrictive in nature and not changing the gist of the application, was accepted by your Examiner, whereupon all Protestants withdrew their protests.

During the course of the hearing in Salida and Rifle, several public witnesses testified in support of the application and no one testified against it. Exhibits 1 through 19 were tendered and admitted into evidence, and at the conclusion of the hearing in Denver as indicated above, it was agreed that the matter would be continued to and until September 17, 1974, so as to give Applicant an opportunity to appear and show financial responsibility to the satisfaction of the Commission. At that time, your Examiner made findings of fact and stated them into the record as to all requisites for the issuance of a Certificate of Public Convenience and Necessity, except financial responsibility.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 27144, being the application of Rampart Aviation Company, be, and hereby is, set for further hearing for the purpose of taking testimony with respect to financial responsibility of Applicant as follows:

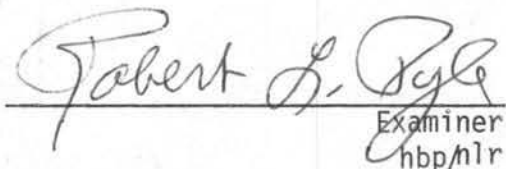
Date: Tuesday, September 17, 1974

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

Place: Hearing Room of the Commission
500 Columbine Building
1845 Sherman Street
Denver, Colorado

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp/mlr

(Decision No. 85310)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS
OF RESPONDENT, KARL S. ROBINSON
TRUCKING COMPANY, INC., 3817
SOUTH STATE STREET, SALT LAKE
CITY, UTAH 84115.

) CASE NO. TF 45

) RECOMMENDED DECISION OF
) ROBERT L. PYLE, EXAMINER

) CANCELING CONTRACT CARRIER
) PERMIT NO. B-7355

- - - - -
July 3, 1974
- - - - -

Appearances: Lawrence C. Abdoo, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of April 23, 1974, the Commission entered its Decision No. 84879 which was an ORDER TO SHOW CAUSE AND NOTICE OF HEARING regarding the motor vehicle operations of Karl S. Robinson Trucking Company, Inc. under its Contract Carrier Permit No. B-7355. Said Order alleged that Respondent may be in violation of the Public Utility Law and the Rules and Regulations of the Commission by failing and neglecting to maintain a tariff as required by Rule 21 of the Rules and Regulations Governing Private Carriers by Motor Vehicle.

The decision ordered that the said Karl S. Robinson Trucking Company, Inc., referred to herein as Respondent, is directed to appear before the Commission to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate including, but not limited to, an order canceling its contract carrier authority with this Commission; namely, Permit No. B-7355.

Docket No. TF 45 was assigned to the case and the matter was set for hearing before the Commission on June 19, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place, the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The only appearance at the scheduled hearing was Mr. Lawrence Abdoo, of the Staff of the Commission. Respondent did not appear, nor did anyone appear on its behalf. Further, the file reveals that there was no

correspondence from Respondent, nor any indication as to what action it might wish to take.

2. The Staff of the Commission has corresponded with Respondent and attempted to get Respondent to file tariffs since December of 1972.

3. Respondent not only failed to file tariffs, but did not even answer correspondence from this Commission. The file reveals that the correspondence from the Commission to Respondent was never returned and it is assumed that Respondent received it.

4. Respondent is not fit to hold authority from this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The operating authority of Respondent with this Commission should be canceled.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

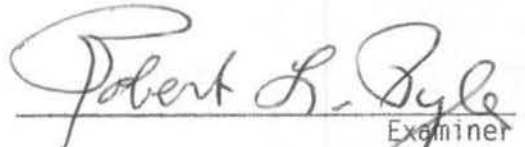
THE COMMISSION ORDERS THAT:

1. Contract Carrier Permit No. B-7355, owned by Karl S. Robinson Trucking Company, Inc., be, and hereby is, revoked and canceled as of July 22, 1974.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hop/nlr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMERCIAL AND TOWING CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT E. TEMMER, EXAMINER
Respondents.)	

- - - - -
July 3, 1974
- - - - -

Appearances: Alvin Bachman, Denver, Colorado, pro se;
George L. Baker, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 10, 1974. The matters were duly called for hearing pursuant to such notice on Monday, June 24, 1974, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert E. Temmer, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed on "Appendix A" hereto appeared at the hearing, except as indicated above in the "Appearances."

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.
2. The said Respondents, except Alvin Bachman noted above, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

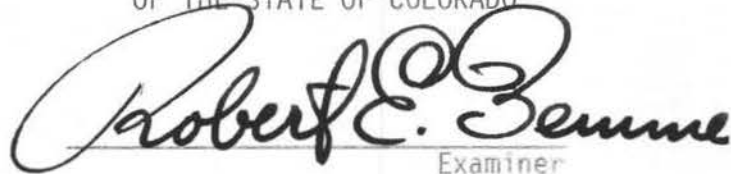
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
hbp/nlr

(Decision No. 85311)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
A and K Railroad Material, Inc. Freeport Center Clearfield, UT 84016	M-4	1689-M-Ins.
Harold T. and Mabel R. Lyke Star Route, Box 45 Carbondale, CO 81623	M-77	1690-M-Ins.
Pacific Agric. Marketing Coop., Inc. P. O. Box 148 Pomona, CA 91769	M-1200	1693-M-Ins.
Ray W. Kellett, dba Kellett and Sons Roofing 1519 East 8th Street Pueblo, CO 81001	M-1201	1694-M-Ins.
Lyman W. Gubler, dba Lyman W. Gubler Trucking 197 South Main P. O. Box 7 La Verkin, UT 84745	M-2349	1695-M-Ins.
Dave Primock, dba Durango Furniture Mart Box 139 Durango, CO 81301	M-2371	1696-M-Ins.
Travis Ham Route 1, Box 226 Kersey, CO 80644	M-2430	1697-M-Ins.
Cutkomp Brothers, Inc. P. O. Box 6145 Colorado Springs, CO 80904	M-2828	1698-M-Ins.
Danny L. Smith 255 California Street Sterling, CO 80751	M-3979	1699-M-Ins.
Tom R. Milne, dba Tenderbest Meat Co. 413 West 3rd Pueblo, CO 81003	M-5652	1700-M-Ins.
Antonio and Joe Mendez, dba Tony Mendez and Son 1004 Southcross San Antonio, TX 78205	M-6565	1703-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Douglas Farris P. O. Box 11 Woody Creek, CO 81656	M-6572	1704-M-Ins.
S and C Transport Co., Inc. 65 State South Hutchinson, KS 67501	M-6731	1705-M-Ins.
Glen Knox and Ted Vermeulen dba UTMD 14066 South Garfield Paramount, CA 90723	M-7122	1707-M-Ins.
Carlson Stapler and Shippers Supply, Inc. 4090 Dahlia Street Denver, CO 80216	M-7758	1709-M-Ins.
Coffey Investments, Inc. 1901 Meade Street Denver, CO 80204	M-8392	1710-M-Ins.
Little T. Clark 6607-F Quarters U.S. Air Force Academy Colorado 80840	M-8534	1711-M-Ins.
Delbert O. Swedlund 828 South Buffalo Yuma, CO 80759	M-9172	1712-M-Ins.
Randall Gottschalk, dba Mid West Mobile Home Sales Highway 24 Goodland, KS 67735	M-9297	1713-M-Ins.
H. H. Grammick, Jr. P. O. Box 112 Sugar City, CO 81076	M-9862	1715-M-Ins.
Don Moore, dba Don Moore's Upholstery 1875 South Broadway Denver, CO 80210	M-10491	1718-M-Ins.
James R. Park Wilsonville, NE 69046	M-10654	1719-M-Ins.
Brandt Fleet Distributing 1617 South 4th Chickasha, OK 73018	M-10698	1720-M-Ins.
Wayne E. Curry, dba Wayne Curry's Coal Route 1 Cedaredge, CO 81413	M-10753	1721-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Thomas K. Hinsdale P. O. Box P Steamboat Springs, CO 80477	M-10890	1722-M-Ins.
George Lewis Krizmanich, dba Kriz's Enco Service 14th and Tomichi Gunnison, CO 81230	M-11526	1724-M-Ins.
Harvey R. Jones, dba Harve's Coal Hauling Box 837 Steamboat Springs, CO 80477	M-11587	1725-M-Ins.
Ralph L. and Mary Ann Scott, dba Beaver Wood Company 716 North 11th Street Gunnison, CO 81230	M-11597	1726-M-Ins.
Intermountain Equipment Rentals, Inc. P. O. Box 81 Vernal, UT 84078	M-11884	1728-M-Ins.
Jack T. Fay 3198 Central Canon City, CO 81212	M-12185	1729-M-Ins.
Harris and Thrush Mfg. Co., Inc. 701 North Avenue N Lubbock, TX 79408	M-12293	1730-M-Ins.
Merle J. Cox, dba Park Super Service P. O. Box 344 Mancos, CO 81328	M-12415	1731-M-Ins.
Alvin Bachman 2839 Adams Street Denver, CO 80205	M-13197	1732-M-Ins.
James L. Pitchford and Russ M. Sandbothe 3766 South Green Court Englewood, CO 80110	M-13728	1734-M-Ins.
Lloyd A. Reed and Lillie Reed, dba L and L Oil Sales 21 East 4th Avenue Longmont, CO 80501	M-14570	1735-M-Ins.
John K. Hodson, dba Snap-on Tools 910 West 30th Loveland, CO 80537	M-14811	1736-M-Ins.
Howard Smith 1769 30th Street, Apt. 3 Greeley, CO 80631	M-14883	1737-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Bill Pointer, dba Bill Pointer Mechanical Services 5623 Parkdale Drive Dallas, TX 75227	M-15569	1738-M-Ins.
E. J. Williams Box 764 Rocky Ford, CO 81067	M-15937	1739-M-Ins.
Acme Food Distributors, Inc. 2636 Walnut Street Denver, CO 80205	M-233	1740-M-Ins.
C and D Truck and Tractor Service, Inc. Route 2, Box 228 Durango, CO 81301	M-7038	1741-M-Ins.
<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Robert J. Berlemann, dba Berlemann Oil Company Box 107 Hideaway Park, CO 80450	T-52	198-T-Ins.
John A. Johnson, dba Johnson Auto 4761 East Virginia Avenue Denver, CO 80222	T-236	199-T-Ins.
LeRoy A. Boggs, dba L and B Towing Service 7120 Hooker Street, Apt. 2 Westminster, CO 80030	T-384	200-T-Ins.
Norman E. Kidd, dba Empire Texaco P. O. Box 42 Empire, CO 80438	T-785	202-T-Ins.
William C. Nielsen, dba Cecil's Wrecker Service 400 Hickory #96 Fort Collins, CO 80521	T-841	203-T-Ins.
Robert Shepard, dba R and R Automotive 215 South 2nd Street Frisco, CO 80443	T-847	204-T-Ins.
Donald A. Stange, dba Don's Towing 7180 Poplar Street, Apt. 16 Commerce City, CO 80022	T-851	205-T-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

(Decision No. 85312)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR AUTHORITY TO CONSTRUCT,)
OPERATE AND MAINTAIN A HIGHWAY/RAIL-)
ROAD GRADE SEPARATION STRUCTURE ON)
STATE HIGHWAY NO. 40 OVERPASSING THE)
DENVER AND RIO GRANDE WESTERN RAIL-)
ROAD COMPANY PROPERTY AND TRACK AT)
THEIR MILEPOST 65.27, MORE OR LESS,)
JUST EAST OF TABERNASH IN GRAND)
COUNTY, COLORADO.)

APPLICATION NO. 27626

ORDER GRANTING

LEAVE TO INTERVENE

- - - - -
July 2, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 26, 1974, The Denver and Rio Grande Western Railroad Company, by its attorney John S. Walker, Jr., filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

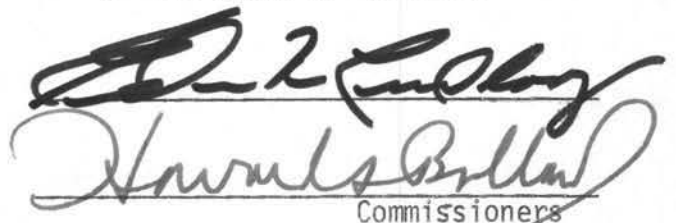
THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company be, and hereby is, granted leave to intervene in the above-entitled application.

This Order shall be effective forthwith.

DONE ~~IN OPEN MEETING~~ the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
hbp

(Decision No. 85313)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27175
COUNTY OF DOUGLAS FOR AUTHORITY TO)	
INSTALL SAFETY DEVICE AT THE CROSSING)	
ATCHISON, TOPEKA AND SANTA FE RAILROAD)	ORDER DENYING PETITION FOR
AND WOLFENSBERGER ROAD APPROXIMATELY)	REHEARING AND RECONSIDERATION
1/2 MILE WEST OF CASTLE ROCK, COLORADO.)	

- - - - -
July 2, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 18, 1974, Hearing Examiner Robert E. Temmer, entered his Recommended Decision No. 84882 in the above-captioned matter.

On June 7, 1974, The Atchison, Topeka and Santa Fe Railway Company, by its attorney Peter J. Crouse, filed with the Commission Exceptions to Recommended Decision No. 84882.

On June 14, 1974, by its Decision No. 85212, the Commission denied the aforesaid Exceptions to Recommended Decision No. 84882.

On June 24, 1974, The Atchison, Topeka and Santa Fe Railway Company, by its attorney Peter J. Crouse, filed with the Commission a pleading entitled "Petition For Rehearing And Reconsideration" of the Order of the Commission of June 14, 1974, Decision No. 85212 adopting Recommended Decision No. 84882 of the Examiner.

The Commission states and finds that the Petition of The Atchison, Topeka and Santa Fe Railway Company for Rehearing and Reconsideration of Decision No. 85212 does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Petition for Rehearing and Reconsideration filed June 24, 1974, by The Atchison, Topeka and Santa Fe Railway Company, of Decision No. 85212 adopting Recommended Decision No. 84882, be and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman


COMMISSIONER HENRY E. ZARLENGO ABSENT.

COMMISSIONER HOWARD S. BJELLAND
CONCURRING.

COMMISSIONER HOWARD S. BJELLAND CONCURRING:

In my opinion the granting of the petition would serve no useful purpose. I therefore concur in the denial.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbp

(Decision No. 85314)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27097
COUNTY OF DOUGLAS FOR AUTHORITY)	
TO INSTALL SAFETY DEVICES AT THE)	ORDER DENYING PETITION
CROSSING AT A POINT WHERE THE MAIN)	FOR REHEARING AND
LINE OF SANTA FE RAILROAD CROSSES)	RECONSIDERATION
TITAN ROAD APPROXIMATELY TWO MILES)	
NORTHWEST OF LOUVIERS, COLORADO.)	

- - - - -
July 2, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 22, 1974, Hearing Examiner Robert E. Temmer entered his Recommended Decision No. 84886 in the above-captioned matter.

On June 7, 1974, The Atchison, Topeka and Santa Fe Railway Company, by its attorney Peter J. Crouse, filed with the Commission Exceptions to Recommended Decision No. 84886.

On June 14, 1974, by its Decision No. 85210, the Commission denied the aforesaid Exceptions to Recommended Decision No. 84886.

On June 24, 1974, The Atchison, Topeka and Santa Fe Railway Company, by its attorney Peter J. Crouse, filed with the Commission a pleading entitled "Petition For Rehearing And Reconsideration" of the Order of the Commission of June 14, 1974, Decision No. 85210 adopting Recommended Decision No. 84886 of the Examiner.

The Commission states and finds that the Petition of The Atchison, Topeka and Santa Fe Railway Company for Rehearing and Reconsideration of Decision No. 85210 does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Petition for Rehearing and Reconsideration filed June 24, 1974, by The Atchison, Topeka and Santa Fe Railway Company, of Decision No. 85210 adopting Recommended Decision No. 84886, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

COMMISSIONER HENRY E. ZARLENGO ABSENT.

COMMISSIONER HOWARD S. BJELLAND
CONCURRING.

COMMISSIONER HOWARD S. BJELLAND CONCURRING:

In my opinion the granting of the petition would serve no useful purpose. I therefore concur in the denial.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbp

(Decision No. 85315)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND REGULATIONS }
GOVERNING COMMON CARRIERS BY MOTOR }
VEHICLE. }

CASE NO. 5544

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 17, 1974, Robert L. Pyle, Examiner, entered his Recommended Decision No. 85215 in the within matter. Pursuant to CRS 115-6-9(2) the Commission, upon its own motion, finds and concludes that it should reconsider the matter herein, either upon the same record or after a further hearing, should the Commission later determine a further hearing to be necessary.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

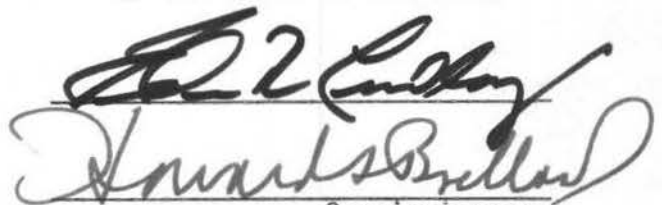
1. This matter be reconsidered under the provisions of CRS 1963 115-6-9(2), as amended.

2. The Recommended Decision (No. 85215) of the hearing examiner be stayed pending final determination of this matter by the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
did

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF LOVELAND, COLORADO, FOR)
AUTHORITY TO REPLACE, RELOCATE, AND)
INSTALL NEW SIGNALS ON 7TH STREET)
AND 10TH STREET, CITY OF LOVELAND,)
COLORADO.)

APPLICATION NO. 26822
ORDER DENYING PETITION
FOR RECONSIDERATION

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 4, 1974, the Commission entered its Decision No. 85122 in the above-captioned matter.

On June 24, 1974, J. C. Street and W. L. Peck, attorneys for The Colorado and Southern Railway Company, filed with the Commission a Petition for Reconsideration of Decision No. 85122.

The Commission states and finds that said Petition does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied as set forth in the Order following.

O R D E R

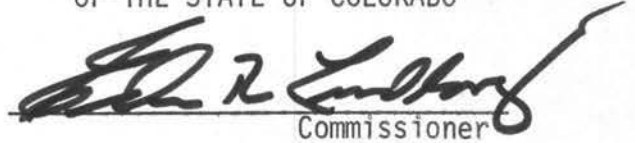
THE COMMISSION ORDERS THAT:

The Petition for Reconsideration of Decision No. 85122 filed June 24, 1974, by The Colorado and Southern Railway Company, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

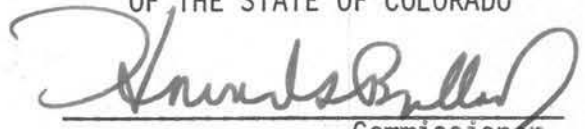
COMMISSIONER HENRY E. ZARLENGO ABSENT.

COMMISSIONER HOWARD S. BJELLAND
CONCURRING.

COMMISSIONER BJELLAND CONCURRING:

In my opinion the granting of the Petition will serve no useful
purpose. I therefore concur in the denial.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
did

(Decision No. 85317)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO COMPUTER CENTER, INC.,)
2432 SOUTH DOWNING STREET, DENVER,)
COLORADO 80210, FOR A CLASS "B")
PERMIT TO OPERATE AS A CONTRACT)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 27578-PP

ORDER DENYING APPLICANT'S
MOTION TO STRIKE

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 1974, Applicant filed the within application.

On June 11, 1974, Wells Fargo Armored Service Corporation filed a protest to the within application, as did Purolator Courier Corporation on June 14, 1974.

On June 25, 1974, Applicant filed a Motion to Strike both protests.

The Commission states and finds that Applicant has not set forth sufficient grounds to support its Motion to Strike, that the protests filed by Wells Fargo Armored Service Corporation and Purolator Courier Corporation are timely and proper, and that, therefore, Applicant's Motion to Strike should be denied as set forth in the following Order.

ORDER

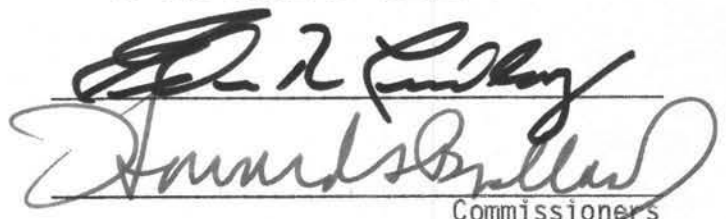
THE COMMISSION ORDERS THAT:

1. Applicant's Motion to Strike, filed on June 25, 1974, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 85318)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN RATES OF CENTRAL)
TELEPHONE AND UTILITIES CORPORATION,)
PUEBLO, COLORADO, FILED UNDER ADVICE)
LETTER NO. 362 AND 362 SUPPLEMENTAL.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 852

ORDER GRANTING EXTENSION OF
TIME FOR FILING OF TRANSCRIPT
AND EXCEPTIONS TO RECOMMENDED
DECISION.

July 2, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 6, 1974, Recommended Decision No. 85130 of Examiner Thomas M. McCaffrey was entered and served upon the parties.

On June 25, 1974, Protestant Ideal Basic Industries, Inc., by its attorneys, Holland & Hart, filed with the Commission a Motion for an Extension of Time in which to file exceptions in the above-captioned investigation and suspension docket.

The Commission states and finds that said request for an enlargement of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

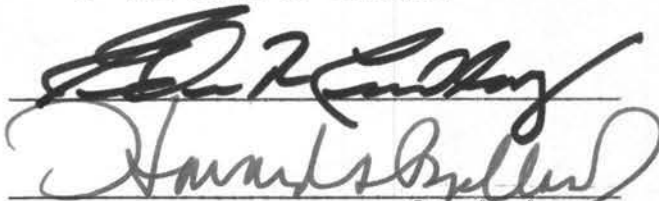
THE COMMISSION ORDERS THAT:

Protestant Ideal Basic Industries, Inc., be, and hereby is, granted an extension of time in which to file exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: APPLICATION BY WESTERN TRUNK LINE)
COMMITTEE FOR AUTHORITY TO AMEND ITEMS)
866-B, SUPPLEMENT 144, 1075-P, SUPPLE-)
MENT 141 AND 1193-W, SUPPLEMENT 144,)
TO WTL TARIFF 297-C ON ONE DAY'S NOTICE.)

APPLICATION NO. 27687

July 2, 1974

STATEMENT

BY THE COMMISSION:

On June 17, 1974 application was filed by Western Trunk Line Committee, Agent for and on behalf of Rail Carriers operating within the State of Colorado for authority to amend Items 866-B, Supplement 144, 1075-P, Supplement 141 and 1193-W, Supplement 144 to WTL Tariff 297-C on one day's notice. The effect of said publication would be to update the rates in said items from the Ex Parte 262 level to the Ex Parte 295 level.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT:

1. That the Interstate Commerce Commission has repeatedly reminded the Rail Carriers to update their rates as early as possible.
2. That in connection with the increase proceedings in Ex Parte 295 the Interstate Commerce Commission stated that the carriers have a duty to dedicate resources on a priority basis to update rates as early as possible.
3. That authority to make the changes on less than statutory notice will not result in increased rates, but will eliminate the necessity of reference to the Ex Parte 262 master tariff.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that authorization to make the tariff changes specified in the Statement herein on less than statutory notice will be in the public interest and should be allowed.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the Western Trunk Line Committee, Agent for the Rail Carriers operating in Colorado, be and they are, hereby authorized

to amend items 866-B, Supplement 144, 1075-P, Supplement 141 and 1193-W, Supplement 144 to WTL Tariff 297-C on one day's notice, by updating the rates in said items from the Ex Parte 262 level to the Ex Parte 295 level.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: MINIMUM CHARGE - CAPACITY LOADS,)
ITEM NO. 415; MINIMUM CHARGE SHIPMENTS,)
ITEM NOS. 420(H) AND 420(I); ROUTING)
NUMBER CHANGES APPLICABLE TO SPECIFIC)
CLASS RATES AND FOODSTUFFS AND RELATED)
ARTICLES, ITEM NO. 2010.)

CASE NO. 1585

July 2, 1974

STATEMENT

BY THE COMMISSION:

On June 7, 1974, Colorado Motor Tariff Bureau, Inc., Agent, filed with the Commission amendments to Item No. 415, Minimum Charge - Capacity Loads; Item No. 420(H) Exceptions to Minimum Charge shipments; Item No. 420(I) Minimum Charges applicable to single and joint line traffic; changes in routing numbers applicable to specific class rates; and Item No. 2010 Foodstuffs and related articles of its Local and Joint Class and Commodity Tariff No. 12-B; Colorado PUC No. 19* (*Colorado Motor Carriers' Association, Agent, Series) as set forth in Appendix "A" attached hereto, proposed to become effective July 13, 1974.

FINDINGS OF FACT

1. Item No. 415, paragraph (1), as proposed, adds a proviso following the end of the paragraph to restrict capacity loads to not less than 10,000 pounds. Similar provisions currently appear in paragraphs (2) and (3) of Item No. 415.

The present charge, as an example, between Denver, Colorado and Grand Junction, Colorado on Item 70660, carpet cushioning or lining, sponge rubber, in wrapped rolls based on 6,000 pounds (full truck load) is \$209.40. The rate being \$3.49 per cwt. The round trip miles of 516 produces 41¢ per running mile. The proposal increases the running mile to 55¢ per mile.

The original intent of the item was the determination of rates on minimum truck load capacity loads - the heading of the item so indicates. However, on occasion commodities are shipped which by their nature are very light in weight, as the example above, fill a truck to capacity but do not produce revenue sufficient to cover costs based on truckload capacities. It is this situation which applicant carrier desires to correct.

2. Items Nos. 420(H) and (I) for the account of Globe Transportation Co., a corporation, operating under Certificate No. 8090 (having become a common carrier by Decision No. 76649 on January 13, 1971) and contract Permit No. A-748 and Globe Truck Lines, Inc. operating

under contract Permit No. A-710 are proposed to be added to paragraph (H) an exception applicable to shipments of refrigerators, washing machines, etc. to the minimum charge shipment rule. The same authorities are also proposed to be added to paragraph (I) applicable to minimum charge shipments in single and joint line traffic.

3. The class rate "bases" under Section 1 of Tariff 12-B are proposed to be amended by routing number changes from Route No. 59 to 35. A transfer of authority of Colorado Springs-Limon Transportation Company (59) to L & E Freight Line, Inc. (35) involving Certificate No. 319 occurred. Certificate 319 of Colorado Springs-Limon was canceled and incorporated into Certificate No. 4693 of L & E. No increases are involved and it is a matter of tariff correction only.

4. Item No. 2010 for the account of various carriers is proposed to be amended to add fruit, canned or preserved, other than frozen. The Colorado Motor Bureau Tariff Bureau's Docket No. 1304 joined in by carriers involved in the commodity item through Rio Grande Motor Way, Inc. states that:

"On occasion we receive shipments containing various commodities as described in the item, however, some of these shipments contain fruit, canned or preserved. In these cases, which must utilize the rates in Item No. 2010, on all commodities except the fruit canned or preserved, results in higher charges for this commodity."

The proposal with respect to Item 2010 will result in lower charges to the combined commodities in a single shipment from one origin to one destination.

CONCLUSION ON FINDINGS OF FACT

Based upon the above Findings of Fact, the Commission concludes that the proposed amendments are reasonable and should be permitted to become effective as filed.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That amendments to Colorado Motor Tariff Bureau, Inc., Local and Joint Class and Commodity Tariff No. 12-B, Colorado PUC No. 19* (*Colorado Motor Carriers' Association, Agent, Series) as set forth in Appendix "A" hereto shall be the prescribed rates, rules and regulations of the Commission.

2. 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.

3. That all contract 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.

4. That on and after July 13, 1974, 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 all call and demand motor vehicle common carriers shall be subject to the penalty rule of twenty (20) percent.

5. That on and after July 13, 1974, all contract 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 not be less than those herein prescribed, provided that Class "B" contract carriers shall be subject to the penalty rule of twenty (20) percent.

6. That this Order shall not be construed so as to compel a contract carrier by motor vehicle to be or become a motor vehicle common carrier, or to subject any such contract carrier by motor vehicle to the laws and liabilities applicable to a motor vehicle common carrier.

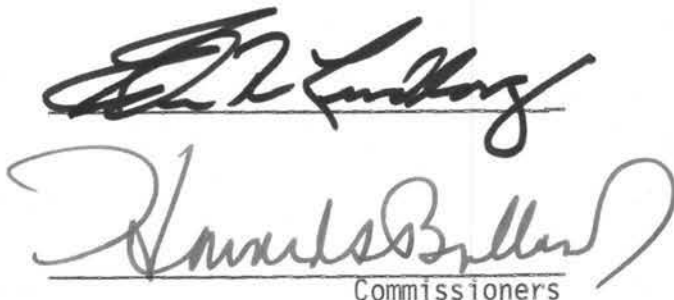
7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

8. That this Order shall become effective forthwith.

9. That jurisdiction is retained to make such further Orders as may be necessary and proper.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating.

APPENDIX "A"

CASE NO. I585

Decision No. 85320, July 2, 1974

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'

ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

1st REVISED PAGE 82-A

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

RULES AND REGULATIONS

ITEM	APPLICATION
415 (CON- CLU- DED ON PAGE 82-B)	<p><u>MINIMUM CHARGE - CAPACITY LOADS:</u> (SUBJECT TO NOTES 1 THROUGH 4)</p> <p>(1) WHEN ANY SHIPMENT THAT IS SUBJECT TO LTL, VOLUME, OR TRUCKLOAD RATES IS TENDERED TO THE CARRIER AND OCCUPIES THE FULL VISIBLE CAPACITY OF ONE OR MORE VEHICLES, THE MINIMUM CHARGE FOR THAT QUANTITY OF FREIGHT LOADED IN OR ON EACH VEHICLE WILL BE THE CHARGE BASED ON THE TRUCKLOAD OR VOLUME MINIMUM WEIGHT, AT THE TRUCKLOAD OR VOLUME RATE APPLICABLE, BUT NOT LESS THAN THE CHARGE FOR 10,000 POUNDS AT THE APPLICABLE CLASS 77½ AQ RATE.</p> <p>(2) WHEN ANY SHIPMENT THAT IS SUBJECT TO AQ (ANY QUANTITY) RATES IS TENDERED THE CARRIER AND OCCUPIES THE FULL VISIBLE CAPACITY OF ONE OR MORE VEHICLES, THE MINIMUM CHARGE FOR THAT QUANTITY OF FREIGHT LOADED IN OR ON EACH VEHICLE WILL BE BASED ON THE ACTUAL WEIGHT LOADED IN OR ON EACH VEHICLE AT THE APPLICABLE AQ RATE BUT NOT LESS THAN THE CHARGE FOR 10,000 POUNDS AT THE APPLICABLE CLASS 77½ AQ RATE.</p> <p>(3) WHEN ANY SHIPMENT THAT IS SUBJECT TO LTL RATES ONLY OR LTL AND AQ RATES IS TENDERED THE CARRIER AND OCCUPIES THE FULL VISIBLE CAPACITY OF ONE OR MORE VEHICLES, THE MINIMUM CHARGE FOR THAT QUANTITY OF FREIGHT LOADED IN OR ON EACH VEHICLE WILL BE THE CHARGE FOR THE APPLICABLE LTL AND AQ RATES AT THE ACTUAL WEIGHT BUT NOT LESS THAN 10,000 POUNDS AT THE CLASS 77½ AQ RATE.</p> <p>(4) WHEN A SHIPMENT IS TENDERED WHICH CANNOT BE LOADED IN ONE VEHICLE, THE FOLLOWING WILL APPLY:</p> <p>(A) EACH VEHICLE LOADED TO CAPACITY WILL BE SUBJECT TO THE MINIMUM CHARGE AS PROVIDED IN PARAGRAPHS (1), (2) OR (3) ABOVE.</p> <p>(B) WHEN THE OTHERWISE APPLICABLE CHARGES ON EACH VEHICLE LOADED TO CAPACITY DO NOT EXCEED THE MINIMUM CHARGE PROVIDED IN PARAGRAPHS (1), (2) OR (3) ABOVE, THE CHARGE FOR THAT PORTION OF THE SHIPMENT LOADED INTO OR ON THE LAST VEHICLE (NOT LOADED TO CAPACITY) WILL BE AS A SEPARATE SHIPMENT.</p> <p>NOTE 1: THE TERMS "OCCUPIES THE FULL VISIBLE CAPACITY," "LOADED TO CAPACITY" OR "CAPACITY LOAD" REFERS TO THE EXTENT EACH VEHICLE IS LOADED AND MEANS:</p> <p>(A) THAT QUANTITY OF FREIGHT WHICH, IN THE MANNER LOADED SO FILLS A VEHICLE THAT NO ADDITIONAL ARTICLE IN THAT SHIPPING FORM TENDERED IDENTICAL IN SIZE TO THE LARGEST ARTICLE IN THE SHIPMENT CAN BE LOADED IN OR ON THE VEHICLE; OR</p> <p>(B) THAT MAXIMUM QUANTITY OF FREIGHT THAT CAN BE LEGALLY LOADED IN OR ON A VEHICLE BECAUSE OF THE WEIGHT OR SIZE LIMITATIONS OF STATE OR REGULATORY BODIES.</p> <p>NOTE 2: THE TERM "VEHICLE" AS USED IN THIS ITEM MEANS A TRAILER, OR COMBINATION OF TRAILERS OF NOT LESS THAN 2400 CUBIC FEET CAPACITY, OR WITH 310 SQUARE FEET OF FLOOR SPACE IF FLAT BED OR OPEN TOP EQUIPMENT IS REQUESTED OR FURNISHED, PROPELLED OR DRAWN BY A SINGLE POWER UNIT AND USED ON THE HIGHWAYS IN THE TRANSPORTATION OF PROPERTY. ON REQUEST OF THE SHIPPER, THE CARRIER SHALL ENDEAVOR TO FURNISH THE LARGEST VEHICLE AVAILABLE. THE SHIPPER WILL HAVE THE RIGHT TO REFUSE THE VEHICLE OFFERED, BUT ONCE LOADING HAS BEGUN, PROVISIONS OF THIS ITEM WILL APPLY.</p>

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

CORRECTION No. 2510

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 82-A -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

CHARGES ARE SUBJECT TO SUPPLEMENT 17 AND +AMENDMENTS 30, 33 AND 34

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

14TH REVISED PAGE 84

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

RULES AND REGULATIONS

ITEM	APPLICATION
420	<u>MINIMUM CHARGE:</u> (CONTINUED)
(CON- CLU- DED ON PAGE 85)	<u>EXCEPTIONS:</u> (H) THE MINIMUM CHARGE FOR A SINGLE SHIPMENT OF REFRIGERATORS; WASHING MACHINES; CLOTHES DRYERS; DISH WASHERS; HOUSEHOLD FURNITURE, OR ANY OTHER HOUSEHOLD APPLIANCES, INCLUDING TELEVISION SETS, PHONOGRAPHS, STEREO COMBINATIONS, OR FURNITURE FROM ONE CONSIGNOR TO ONE CONSIGNEE ON ONE BILL OF LADING IN ONE DAY, DESTINED TO A PRIVATE DWELLING IN AUTHORIZED TERRITORY OF BOULDER-DENVER TRUCK LINE; DENVER-CLIMAX TRUCK LINE, INC.; EDSON EXPRESS, INC.; /GLOBE TRANSPORTATION CO., A CORPORATION; /GLOBE TRUCK LINES, INC.; LARSON TRANSPORTATION COMPANY; MILLER BROS., INC.; NORTH EASTERN MOTOR FREIGHT, INC.; NORTH PARK TRANSPORTATION CO.; NORTHWEST TRANSPORT SERVICE, INC.; RIO GRANDE MOTOR WAY, INC.; SOUTH PARK MOTOR LINES; THACKER BROS. TRANSPORTATION, INC.; TRANS-WESTERN EXPRESS, LTD.; BILL WATSON FREIGHT LINE; WESTWAY MOTOR FREIGHT, INC., OR WINDECKER TRUCK LINE WILL BE \$8.36. THE MINIMUM CHARGE FOR A SINGLE SHIPMENT OF REFRIGERATORS; WASHING MACHINES; ELECTRIC CLOTHES DRYERS; DISH WASHERS; HOUSEHOLD FURNITURE, OR ANY OTHER HOUSEHOLD APPLIANCES OR FURNITURE FROM ONE CONSIGNOR TO ONE CONSIGNEE ON ONE BILL OF LADING IN ONE DAY, DELIVERED TO AND PLACED IN A PRIVATE HOME BY RUBY D. JACKSON, D/B/A MOUNTAIN EXPRESS TRUCK LINE, WILL BE \$8.36.

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

CORRECTION No. 2511

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 84 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

CHARGES IN SECTION 1 OF ITEM 420 ARE NOT SUBJECT TO SUPPLEMENT 17.
 †CHARGES IN SECTION 2 OF ITEM 420 ARE NOT SUBJECT TO AMENDMENTS 30 OR 33, BUT ARE
 SUBJECT TO AMENDMENT 34.

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'

ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

33RD REVISED PAGE 85

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

RULES AND REGULATIONS

ITEM

420

(CON-
CLU-
DED)

APPLICATION

MINIMUM CHARGE: (CONCLUDED)

(1) THE MINIMUM CHARGE FOR A SINGLE SHIPMENT FROM ONE CONSIGNOR TO ONE CONSIGNEE ON ONE BILL OF LADING IN ONE DAY VIA OR IN CONNECTION WITH THE CARRIERS NAMED BELOW WILL BE:

SECTION 1: (APPLIES ON INTERSTATE TRAFFIC ONLY)

WHEN WEIGHT OF SHIPMENT (IN POUNDS) IS: OVER - NOT OVER	SINGLE LINE TRAFFIC AND LTL RATE BASIS NO. IN SECTION 1 IS:				JOINT LINE TRAFFIC
	0	161	200	290	
	TO 160	TO 199	TO 289	AND OVER	
	MINIMUM CHARGE IN CENTS SHALL BE:				
0 - 100	679	696	708	737	771
100 - 150	725	754	783	853	899
150 - 200	824	899	957	1038	1090
200 - - -	905	980	1038	1119	1172

SECTION 2: (APPLIES ON INTRASTATE TRAFFIC ONLY)

WHEN WEIGHT OF SHIPMENT (IN POUNDS) IS: OVER - NOT OVER	SINGLE LINE TRAFFIC AND DISTANCE TRANSPORTED IS:				JOINT LINE TRAFFIC
	0 TO 50	51	151	300	
	MILES	TO 150 MILES	TO 300 MILES	MILES OR OVER	
	MINIMUM CHARGE IN CENTS SHALL BE:				
0 - 100	550	585	615	625	645
100 - 150	615	640	715	730	755
150 - - -	745	810	895	930	960

BN TRANSPORT, INC.

BETHKE TRUCK LINES

BOULDER-DENVER TRUCK LINE

CAPRON TRUCK CO.

CASTLE ROCK TRANSFER

CLARK, BILL, TRUCK LINE, INC.

COLORADO CARTAGE COMPANY, INC.

COLORADO-KANSAS TRUCK LINE

DENVER-CLIMAX TRUCK LINE, INC.

DENVER-LIMON-BURLINGTON TRANSFER COMPANY

DIGBY, W. J., INC. (SUBJECT TO ITEM 470)

EDSON EXPRESS, INC.

ENGLEWOOD TRANSIT COMPANY, A CORPORATION (SUBJECT TO ITEM 470)

EPHRAIM FREIGHTWAYS, INC.

EVERGREEN FREIGHT LINE, INCORPORATED

GILPIN COUNTY FREIGHT SERVICE, INC.

GIVIGLIANO TRANSPORT

GLOBE TRANSPORTATION CO., A CORP.

GLOBE TRUCK LINES, INC.

GRAVES TRUCK LINE, INC.

HARP TRANSPORTATION LINE, INC.

IDEAL TRUCK LINES, INC.

ILLINOIS-CALIFORNIA EXPRESS, INC.

IML FREIGHT, INC.

K & K TRANSFER COMPANY

L. & E. FREIGHT LINE, INC.

LARSON TRANSPORTATION COMPANY

MILE HI EXPRESS, INC.

MILLER BROS., INC.

MILLIKEN JOHNSTOWN TRUCK LINE, INC.

MONTGOMERY, J. B., INC.

MOUNTAIN EXPRESS TRUCK LINE

MOUNTAIN MOTORWAY, INC.

MURPH'S EXPRESS, INC. (SUBJECT TO ITEM 470)

NAVAJO FREIGHT LINES, INC. (WILL APPLY ON COLORADO INTRASTATE TRAFFIC IN CONNECTION WITH PERMIT A-607 ONLY)

NORTH EASTERN MOTOR FREIGHT, INC.

NORTH PARK TRANSPORTATION CO.

NORTHWEST TRANSPORT SERVICE, INC.

PLATTE VALLEY FREIGHTWAYS

RED BALL MOTOR FREIGHT, INC.

RINGSBY TRUCK LINES, INC.

RIO GRANDE MOTOR WAY, INC.

RITWAY TRANSPORT, INC.

SANTA FE TRAIL TRANSPORTATION COMPANY, THE

SOUTH PARK MOTOR LINES, INC.

TELLURIDE TRANSFER

THACKER BROS. TRANSPORTATION, INC.

TRANS-WESTERN EXPRESS, LTD.

TRI-C TRANSFER AND STORAGE, THE

TRIANGLE FREIGHT CO.

TWEEDY TRANSFER

WANDELL & LOWE TRANSFER AND STORAGE COMPANY, THE (SUBJECT TO ITEM 470)

WATSON, BILL, FREIGHT LINE

WESTWAY MOTOR FREIGHT, INC.

WINDECKER TRUCK LINE

YUMA COUNTY TRANSPORTATION CO.

BN TRANSPORT, INC.
 BETHKE TRUCK LINES
 BOULDER-DENVER TRUCK LINE
 CAPRON TRUCK CO.
 CASTLE ROCK TRANSFER
 CLARK, BILL, TRUCK LINE, INC.
 COLORADO CARTAGE COMPANY, INC.
 COLORADO-KANSAS TRUCK LINE
 DENVER-CLIMAX TRUCK LINE, INC.
 DENVER-LIMON-BURLINGTON TRANSFER COMPANY
 DIGBY, W. J., INC. (SUBJECT TO ITEM 470)
 EDSON EXPRESS, INC.
 ENGLEWOOD TRANSIT COMPANY, A CORPORATION
 (SUBJECT TO ITEM 470)
 EPHRAIM FREIGHTWAYS, INC.
 EVERGREEN FREIGHT LINE, INCORPORATED
 GILPIN COUNTY FREIGHT SERVICE, INC.
 GIVIGLIANO TRANSPORT
 GLOBE TRANSPORTATION CO., A CORP.
 GLOBE TRUCK LINES, INC.
 GRAVES TRUCK LINE, INC.
 HARP TRANSPORTATION LINE, INC.
 IDEAL TRUCK LINES, INC.
 ILLINOIS-CALIFORNIA EXPRESS, INC.
 IML FREIGHT, INC.
 K & K TRANSFER COMPANY
 L. & E. FREIGHT LINE, INC.
 LARSON TRANSPORTATION COMPANY
 MILE HI EXPRESS, INC.
 MILLER BROS., INC.
 MILLIKEN JOHNSTOWN TRUCK LINE, INC.
 MONTGOMERY, J. B., INC.

MOUNTAIN EXPRESS TRUCK LINE
 MOUNTAIN MOTORWAY, INC.
 MURPH'S EXPRESS, INC. (SUBJECT TO ITEM 470)
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 NORTHWEST TRANSPORT SERVICE, INC.
 PLATTE VALLEY FREIGHTWAYS
 RED BALL MOTOR FREIGHT, INC.
 RINGSBY TRUCK LINES, INC.
 RIO GRANDE MOTOR WAY, INC.
 RITWAY TRANSPORT, INC.
 SANTA FE TRAIL TRANSPORTATION COMPANY, THE
 SOUTH PARK MOTOR LINES, INC.
 TELLURIDE TRANSFER
 THACKER BROS. TRANSPORTATION, INC.
 TRANS-WESTERN EXPRESS, LTD.
 TRI-C TRANSFER AND STORAGE, THE
 TRIANGLE FREIGHT CO.
 TWEEDY TRANSFER
 WANDELL & LOWE TRANSFER AND STORAGE COMPANY, THE (SUBJECT TO ITEM 470)
 WATSON, BILL, FREIGHT LINE
 WESTWAY MOTOR FREIGHT, INC.
 WINDECKER TRUCK LINE
 YUMA COUNTY TRANSPORTATION CO.

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

CORRECTION No. 2512

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
 4060 ELATI STREET, DENVER, COLORADO 80216

JUN 7 - 1974

- 85 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
 RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

MF-ICC 8*
 COLO. PUC 19*
 (*COLORADO MOTOR CARRIERS'
 ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

6TH REVISED PAGE 107

ASSOCIATION, AGENT, SERIES) TARIFF 12-B OTHER REVISED PAGE 107

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 1

CLASS RATE BASES

FOR APPLICATION, SEE ITEM 410.

FOR CLASS RATES, SEE SECTIONS 2 AND 3.

INDEX	AND	BETWEEN	(1)	MILES	COLORADO SPRINGS				ROUTE (X)	
					LTL	MINIMUM WEIGHT--POUNDS				
						1,000	2,000	5,000		10,000
2140	ARRIBA		(P)	96	239	229	239	196	157	A35
2210	BETHUNE		(P)	142	278	266	278	226	182	A35
2230	BOVINA		(P)	89	234	224	234	191	155	A35
2260	BURLINGTON		(P)	150	278	266	278	226	182	A35
2270	CALHAN		(P)	34	178	170	178	145	118	A35
2575	ELLCOTT		(P)	23	165	158	165	134	109	A35

7TH REVISED PAGE 108

2600	FALCON		(P)	15	150	144	150	122	98	A35
2630	FLAGLER		(P)	107	250	240	250	204	164	A35
2720	GENOA		(P)	84	228	218	228	185	150	A35
2873	HUGO		(P)	88	234	224	234	191	155	A35
2970	LIMON		(P)	73	218	209	218	178	143	A35

6TH REVISED PAGE 109

3050	MATHESON		(P)	55	200	192	200	162	131	A35
3320	PEYTON		(P)	24	165	158	165	134	109	A35
3398	PUNKIN CENTER		(P)	60	204	196	204	167	134	A35
3400	RAMAH		(P)	44	190	182	190	155	126	A35

6TH REVISED PAGE 110

3505	RUSH		(P)	39	186	179	186	152	122	A35
3610	SEIBERT		(P)	118	256	246	256	209	169	A35
3640	SIMLA		(P)	48	195	187	195	160	128	A35
3690	STRATTON		(P)	132	268	257	268	218	176	A35
3760	VONA		(P)	125	264	253	264	216	174	A35
3840	YODER		(P)	32	178	170	178	145	118	A35

(1) IN SECTIONS 2 AND 3, APPLY CLASS RATES SHOWN IN CONNECTION WITH SUFFIX (M) OR (P), AS INDICATED AT EACH POINT.

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

ISSUED BY:
 J. R. SMITH, CHIEF OF TARIFF BUREAU
 4060 ELATI STREET, DENVER, COLORADO 80216

- 110 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
 RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

RATES ARE SUBJECT TO SUPPLEMENT 17 AND AMENDMENTS 30, 33 AND 34
 MF-ICC 8*
 COLO. PUC 19*
 (*COLORADO MOTOR CARRIERS' ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

9TH REVISED PAGE 275

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 4								
COMMODITY RATES IN CENTS PER 100 POUNDS (EXCEPT AS NOTED)								
FOR APPLICATION, SEE PAGE 245								
ITEM	COMMODITY	FROM	TO	RATES		ROUTE (X)		
(CON- CLU- DED ON PAGE 276)	2010 FOODSTUFFS AND RELATED ARTICLES, VIZ.: BAKING POWDER. BEVERAGE PREPARATIONS, NOI, DRY. BLUING, LAUNDRY. CANDY OR CONFECTIONERY, NOI, OR CHOCOLATE CANDY OR CONFECTIONERY, INCLUDING MILK CHOCOLATE CANDY OR CONFECTIONERY. CEREAL FOOD PREPARATIONS: COOKED: BRAN (NOTE A). CONFECTION COATED (NOTE A). FLAKED OR SHREDDED (NOTE A). PUFFED, NOI (NOTE A). RICE, ROLLED (NOTE A). COOKED: GRANULATED. CHOCOLATE, NOT CONFECTIONERY. COCOA. COCOA COMPOUNDS. COCOA PASTE. COCOANUT, PREPARED. COFFEE EXTRACT (INSTANT) COFFEE, ROASTED. COFFEE SUBSTITUTES. DESSERT PREPARATIONS. FEED, ANIMAL, CARNIVOROUS (CANNED). FEED, ANIMAL, PREPARED. FEED, ANIMAL (DOG BISCUITS). FLOUR, EDIBLE. FLOUR, GRAIN. FRUIT, CANNED OR PRESERVED, OTHER THAN FROZEN. GELATIN, OTHER THAN DRY, GELLED, IN METAL CANS. GELATIN, NOI. GRAVY. MACARONI, NOODLES, RICE, SPAGHETTI OR VERMICELLI, COOKED, WITH OR WITHOUT CHEESE, MEAT, VEGETABLES, OR OTHER INGREDIENTS. MEATS, COOKED, CURED OR PRESERVED, WITH OR WITHOUT VEGETABLE, MILK, EGG OR FRUIT INGREDIENTS, NOI, IN GLASS OR METAL CANS IN BARRELS OR BOXES OR IN METAL CANS IN CRATES. MILK OR BUTTERMILK, CONDENSED OR EVAPORATED, LIQUID OR PASTE, WITH OR WITHOUT VEGETABLE FATS, IN BARRELS OR BOXES. MILK FOOD, OTHER THAN LIQUID. MILK, POWDERED. MILK OR CREAM SUBSTITUTES, DRY.	BETWEEN DENVER	AND	(1)	(2)	(X)		
		CANON CITY	85	68	87			
		COLORADO SPRINGS	75	62	15;47; 72;86; 87			
		DURANGO	143	119	87			
		FT. CARSON	76	63	15;42; 72;86; 87			
		GRAND JUNCTION	132	115	44A;87			
		GREELEY	67	56	7			
		PETERSON FIELD	76	63	15;47; 72;86; 87			
		PUEBLO	97	81	15;47; 72;86; 87			
		TRINIDAD	119	98	47;72; 86			
		U. S. AIR FORCE ACADEMY	71	59	15;47; 72;86; 87			
		MEEKER	(3)	100	122			
		MIXES, BASIC FOOD SAUCE, DRY. PECTIN. POT SCOURERS, NOI, SCOURING CLOTHS OR SCOURING PADS, WITH OR WITHOUT SOAP (NOTE B). POTATOES, COOKED. PUDDING, IN METAL CONTAINERS. RICE, CLEAN, WHOLE OR BROKEN. RICE, COMBINED WITH VEGETABLES AND SEASONING. SALAD DRESSING PREPARATIONS, DRY. SALADS, FISH, MACARONI, MEAT, OR VEGETABLES, IN METAL CONTAINERS, IN BOXES. SOUP INGREDIENTS. SOUPS, INCLUDING BROTHS OR CHOWDERS. STARCH, LIQUID. STUFFING, BREAD BASE, DRY (NOTE B). SYRUP, NOT MEDICATED, NOI. TABLE SAUCES, NOI; CATSUP; PREPARED HORSE RADISH; MAYONNAISE; PREPARED MUSTARD; PEPPER SAUCE; SALAD DRESSING, OR BASIC FOOD SAUCES, SUCH AS MARINARA SAUCE, PIZZA SAUCE, SPAGHETTI SAUCE OR SPANISH SAUCE. TAPIOCA. TARTS, BAKED. TEA. VEGETABLES, CANNED OR PRESERVED, INCLUDING CANNED CORN; HOMINY; MUSH; OATS; PIMIENTO JUICE; PIMIENTOS; PORK AND BEANS; RICE; SCRAPPLE; TOMATO JUICE, PASTE, PULP OR PUREE; TOMATOES; VEGETABLE JUICES, NOI, OR WHEAT. WAX, LAUNDRY COMPOUND.						
		(3) SUBJECT TO LOADING BY CONSIGNOR AND UNLOADING BY CONSIGNEE.						

FOR EXPLANATION OF ABBREVIATIONS AND SYMBOLS, SEE PAGE 53.

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

CORRECTION No. 2517

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
 4060 ELATI STREET, DENVER, COLORADO 80216
 - 275 -

RECEIVED

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
 RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

MF-ICC 8*

COLO. PUC 19*

(*COLORADO MOTOR CARRIERS'
ASSOCIATION, AGENT, SERIES)

TARIFF 12-B

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 7

ROUTING

ROUTING ARRANGEMENT IS FOR HEADLINE TO SIDE LINE POINT MOVEMENT.
FOR SIDE LINE TO HEAD LINE POINTS, USE REVERSE ROUTING.

ROUTE	ROUTE
59	(E) ▲ SEE ROUTE 35.
113	EPHRAIM FREIGHTWAYS, INC., NORTHWEST TRANSPORT SERVICE, INC., OR RED BALL MOTOR FREIGHT, INC., COLORADO SPRINGS, COLORADO, ▲L. & E. FREIGHT LINE, INC.
127	EPHRAIM FREIGHTWAYS, INC., COLORADO SPRINGS, COLORADO, ▲L. & E. FREIGHT LINE, INC.

- ✓ DENOTES ADDITION
♦ DENOTES INCREASE
▲ DENOTES CHANGING IN WORDING WHICH RESULTS IN NEITHER INCREASES NOR REDUCTIONS IN CHARGES
↓ DENOTES REDUCTIONS
(E) DENOTES ELIMINATION

ISSUED JUNE 7, 1974

EFFECTIVE JULY 13, 1974

ISSUED BY:

J. R. SMITH, CHIEF OF TARIFF BUREAU
4060 ELATI STREET, DENVER, COLORADO 80216

- 392 -

THE PROVISIONS PUBLISHED HEREIN WILL, IF EFFECTIVE, NOT
RESULT IN AN EFFECT ON THE QUALITY OF THE HUMAN ENVIRONMENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF COLORADO MOTOR)
TARIFF BUREAU, INC. (CMTB) AS AGENT)
FOR AND ON BEHALF OF CARRIERS PARTY)
TO ITS TARIFF NO. 22 JOINTLY WITH)
WARD TRANSPORT INC. (WARD) TARIFF)
NO. C-5 REQUEST PERMISSION TO)
ADVANCE EFFECTIVE DATE ON INCREASED)
RATES ON LESS THAN STATUTORY NOTICE.)

APPLICATION NO. 27688

ORDER ADVANCING THE EFFECTIVE
DATE OF TARIFFS

July 2, 1974

STATEMENT

BY THE COMMISSION:

On June 14, 1974, Colorado Motor Tariff Bureau, Inc., (Applicant) as Agent for and on behalf of Carriers party to its Tariff No. 22 filed Supplement No. 4 to its Tariff No. 22 and Ward Transport Inc. (Applicant), filed Supplement No. 4 to its Tariff No. C-5. Both supplements are scheduled to become effective on July 15, 1974, on statutory notice.

By this application, applicants request approval of the Commission to place said supplements into effect upon less than statutory notice on July 5, 1974.

Both supplements will result in 20% increase in rates and charges.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT:

1. That the incentive plan rates as published in the tariffs referred to herein, are utilized by the shippers in lieu of company owned equipment.
2. That the revenue from the incentive plan rates for the test period utilized by Applicants was \$436,779 including the proposed 20% increase.
3. That the updated operating expenses for the same period of time was \$436,047 leaving a margin of only \$732 to cover overhead, depreciation and taxes.
4. That the increased rates will be adequate to cover the direct operating costs and will allow this segment of the carriers operation to stand on its own with out subsidy from the other segments of the operations.

CONCLUSION ON FINDINGS OF FACT

The Commission concludes that it will be in the public interest to permit the Applicants to place Supplement No. 4 to Colorado Motor Tariff Bureau Tariff No. 22 and Supplement No. 4 to Ward's Tariff No. C-5 into effect upon not less than one day's notice, on July 5, 1974.

An appropriate Order shall be entered.

O R D E R



THE COMMISSION ORDERS:

1. That the Applicants, Colorado Motor Tariff Bureau, Inc., Agent, and Ward Transport Inc., be, and hereby are authorized to advance the effective date of Supplement No. 4 to Colorado Motor Tariff Bureau Tariff No. 22 and Supplement No. 4 to Ward's Tariff No. C-5, on not less than one day's notice, to become effective not earlier than July 5, 1974.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating.

(Decision No. 85322)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WESTERN SLOPE GAS COMPANY FOR)
AN ORDER AUTHORIZING A GAS RATE)
ADJUSTMENT, SUPPLEMENTING THE)
ORDER OF THE COMMISSION IN DEC-)
ISION NO. 83811 DATED OCTOBER 2,)
1973.)

APPLICATION NO. 26996 - SUPPLEMENT

ORDER OF THE COMMISSION PERMITTING
TARIFF FILING ON LESS THAN STATUTORY
NOTICE AND APPROVING REFUND PLAN

July 2 , 1974

STATEMENT

Western Slope Gas Company, a public utility under the jurisdiction of the Commission, and Applicant herein filed on June 20, 1974, a supplement to its Application No. 26996 seeking an order of the Commission as follows:

- (a) Authorizing Applicant to file, to become effective on less than statutory notice, reduced gas rates, and
- (b) Approving Applicant's plan of refund in connection therewith.

FINDINGS OF FACT

1. Applicant is an intrastate gas transmission company, subject to the jurisdiction of the Commission, engaged in the transmission and sale of natural gas in various areas of the State of Colorado. A substantial portion of Applicant's Central System natural gas requirements are obtained from Colorado Interstate Gas Company (Colorado Interstate), a division of Colorado Interstate Corporation. Colorado Interstate is a natural gas company under the provisions of the Natural Gas Act, and its rates and charges incident to its sale of gas to Applicant are subject to the jurisdiction of the Federal Power Commission (FPC).

2. Pursuant to Commission Decision No. 83811 dated October 2, 1973 Applicant was authorized inter alia, to file, and did file, effective October 4, 1973 certain gas rate adjustment riders referred to in said Decision and made a part thereof by reference, increasing Applicant's gas rates then on file with the Commission to "track" increases in the wholesale rates (Colorado Interstate's P-1 and PS-1 rate schedule) at which Applicant purchases gas from Colorado Interstate. Two riders were authorized by said Decision No. 83811. One rider was for the purpose of tracking a purchased gas adjustment increase pursuant to CIG's FPC Docket No. RP 72-122 and the other was to track a major increase in the cost of gas pursuant to FPC Docket No. RP 73-93 (rate case). Said wholesale rate case increase became effective October 1, 1973 pursuant to FPC Docket No. 73-93 rate proceeding.

3. Pursuant to FPC order issued May 10, 1974 in Colorado Interstate's aforesaid rate proceeding, FPC approved a Stipulation and Agreement of Settlement (Stipulation Agreement), with reservations settling most issues involved in such proceeding. The Stipulation Agreement required Colorado Interstate, among other things, to file revised FPC tariffs to reduce its jurisdictional rates for natural gas effective October 1, 1973, to the rate levels approved in the Stipulation Agreement and to refund to its jurisdictional customers the revenues collected in excess of the settlement rates, with interest at 7% per annum. Such revised tariffs were filed by Colorado Interstate with FPC on June 10, 1974, and it is anticipated said revised tariffs will become effective with all gas sales by Colorado Interstate to Applicant made on and after June 1, 1974. Attached to the Application and made a part thereof by reference were Colorado Interstate's P-1 and PS-1 rate schedules as on file with the FPC and in effect prior to October 1, 1973 (Exhibit A), and the revised reduced Colorado Interstate P-1 and PS-1 rate schedules effective October 1, 1973 (Exhibit B).

4. Applicant's pro forma increase in the cost of gas purchased from Colorado Interstate for the twelve months ended June 30, 1973 at the rates of Colorado Interstate which become effective October 1, 1973, would have been \$1,876,307. As a result of Colorado Interstate's reduction in its jurisdictional rates to the levels approved in the Stipulation Agreement Applicant's pro forma increase in the cost of purchased gas for such period, would have been \$925,926, or a difference of \$950,381.

5. Applicant proposed, to become effective on July 1, 1974, new basic gas rate schedules as set forth in Appendix A attached and made a part hereof by reference to reflect in Applicant's rates the above referred reduction in the wholesale rates of Colorado Interstate which became effective June 1, 1974. Applicant's proposed new basic gas rates, when effective, will supersede its existing rates applicable to the same service now on file with the Commission, including the gas rate adjustment riders relating to said RP73-93 rate case proceeding which became effective on October 4, 1973, pursuant to Commission Decision No. 83811 dated October 2, 1973.

6. Exhibit D to the Application was a tabulation entitled "Central System - Study of Pass-on - Colorado Interstate Gas Company's FPC Docket RP73-93 Revised Rates Effective October 1, 1973." This exhibit showed that the cost of gas purchased by Applicant from Colorado Interstate on a pro forma basis for the twelve months ended June 30, 1973 under Colorado Interstate's P-1 and PS-1 rate schedules in effect prior to October 1, 1973, and for the same period under Colorado Interstate's Revised P-1 and PS-1 rate schedules effective October 1, 1973.

7. Applicant also proposes to refund to its natural gas customers receiving natural gas service under the rate schedules contained in Appendix A hereto, the refund which it will receive from Colorado Interstate (the CIG Refund) as a result of the FPC order referred to in paragraph 3 hereof. Such refund will be based on each customer's MCF usage during the period of October 4, 1973 through June 30, 1974 (Refund Period). Additional refund amounts to which Applicant's aforesaid customers may be entitled due to the difference in the effective date of Applicant's proposed new basic rates and June 1, 1974, the effective date of Colorado Interstate's reduced tariffs, will be added to the CIG Refund together with interest at 7% per annum to the issuance date of the refund check. Applicant proposes to issue refund checks to its aforesaid customers as soon as practicable after the refund amounts are determined.

8. - Good cause exists for Applicant's request herein for an order of the Commission without a formal hearing and on less than statutory notice to customers predicated upon the following:

(a) Colorado Interstate's FPC revised reduced wholesale rate to Applicant retroactively became effective June 1, 1974 - which date is already passed;

(b) A shorter notice period than the statutory notice will enable Applicant to make refunds to its affected customers approximately thirty (30) to forty-five (45) days in advance of the date such refund could otherwise be made; and

(c) Applicant's utility customers, including its parent Public Service Company of Colorado, will be in a position to more promptly make such adjustments in their respective gas rates, and such customer refunds, if any, as may be appropriate as a result of the proposed reduction in Applicant's basic gas rates as herein set forth.

CONCLUSIONS OF FINDINGS OF FACT

The Commission concludes that good cause having been shown therefore, the Supplemental Application should be granted and the following Order entered.

O R D E R

THE COMMISSION ORDERS THAT:

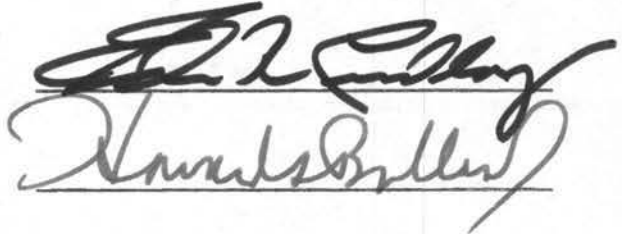
1. Applicant, Western Slope Gas Company be, and hereby is, authorized to file, to become effective on not less than one day's notice, on July 3, 1974, the gas rate schedules as contained in Appendix A, the said Appendix A being incorporated herein by reference.

2. The refund plan proposed by Applicant as set forth in paragraph 7 of the above Findings of Fact, be, and hereby is, approved. The refund shall be made within sixty (60) days of the effective date of this Order, and within such time Applicant shall advise the Commission of its compliance with this order, together with the names, addresses and amount of refunds due of those customers to which Applicant was unable to make the refund.

This Order shall be effective forthwith.

DONE IN OPEN MEETING THE 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Henry E. Zarlengo", written over a horizontal line.

COMMISSIONER HENRY E. ZARLENGO
NECESSARILY ABSENT AND NOT
PARTICIPATING.

ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF SUPPLEMENT)
K-7 TO TARIFF OF SURCHARGES)
ACCOUNT INCREASES IN FUEL COSTS)
X-301-D INCREASING RATES AND)
CHARGES ON COLORADO INTRASTATE)
RAIL TRAFFIC.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 873

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFF AND NOTICE OF HEARING

July 2, 1974

STATEMENT

BY THE COMMISSION:

On June 3, 1974, Railroad (Respondents) transporting freight intra-state within Colorado by their publishing agents filed Supplement K-7 to tariff of surcharges account increased fuel costs X-301-D, increasing rates and charges on Colorado intrastate traffic, proposed to become effective on July 5, 1974.

FINDINGS OF FACT

The tariff filing of Supplement K-7 to Tariff X-301-D, if permitted to become effective, would result in a 0.3% increase in rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carriers in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of said tariff filing of increased rates and charges published in Supplement No. K-7 to tariff of surcharges account increases in fuel costs X-301-D.
2. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation but shall include all matters and issues with respect to the lawfulness of said tariffs under the Public Utilities Law.

3. That neither the tariffs 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon E. A. McCarron, Tariff Publishing Officer, 300 West Adams Street, Chicago, IL 60606. The necessary suspension supplement to Tariff X-301-D shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen days prior to the hearing date herein, Respondents, shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case, and a list of their witnesses.

6. That this Investigation and Suspension Docket No. 873, be, and the same is hereby, set for hearing before the Commission on:

Date: August 26, 1974

Time: 10:00 a.m.

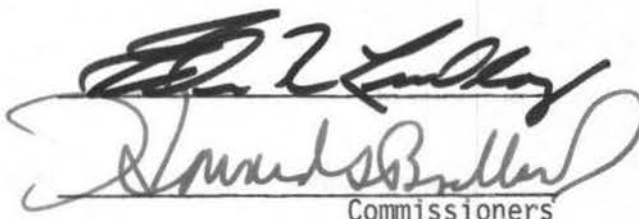
Place: Hearing Room, 500 Columbine Building
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published in Supplement K-7, to Tariff of Surcharges X-301-D, be, and the same hereby are, suspended for a period of 120 days to and including November 2, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LA JUNTA CAB COMPANY, INC., 722 WEST)	APPLICATION NO. 27494-Waiver
5TH STREET, LA JUNTA, COLORADO FOR A)	
WAIVER OF RULE 18(a)(1) OF THE RULES)	RECOMMENDED DECISION OF
AND REGULATIONS GOVERNING COMMON)	ROBERT L. PYLE, EXAMINER
CARRIERS BY MOTOR VEHICLE AND FOR)	
THE REINSTATEMENT OF COMMON CARRIER)	GRANTING APPLICATION
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY PUC NO. 1519.)	

- - - - -
July 3, 1974
- - - - -

Appearances: Edwin F. Motes, Esq., Las Animas,
Colorado, for Applicant.

PROCEDURE AND RECORD

Under date of April 10, 1974, Applicant filed its PETITION FOR REINSTATEMENT OF COMMON CARRIER CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY, to which the Commission assigned Docket No. 27494-Waiver, and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

No protests were received, and under date of April 16, 1974, by Commission Decision No. 84835, emergency temporary authority was granted, and under date of May 7, 1974, Applicant was granted temporary authority by Commission Decision No. 84935.

After due and proper notice to all interested parties, the application was set for hearing on Monday, June 24, 1974, at 10 a.m. in the District Courtroom, Otero County Courthouse, La Junta, Colorado, at which time and place, the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned. Testimony was taken from Mr. Jack Goodwin, owner of Applicant taxicab company, and from Mr. Clarence Todd, an insurance agent from Dairyland Insurance Company. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation and, although Applicant had apparently allowed the corporate structure to become defunct and inoperative for failure to make the necessary filings with the Secretary of

State's Office, Applicant has promised to, and will, meet the necessary requirements for corporate status as soon as practicable.

2. Applicant operates a taxicab company and is the only taxicab company in La Junta, as well as the several towns adjacent to La Junta.

3. Applicant is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 1519, which basically is a taxicab authority in the city of La Junta and a territory within a radius of 20 miles thereof, and from those points to all points in the state of Colorado.

4. Upon acquiring the authority in about June of 1973, Applicant held insurance with the National Indemnity Company and was in complete compliance with the rules and regulations of this Commission regarding insurance. Late in 1973, Applicant attempted to obtain insurance for a lesser premium and ended up acquiring a policy of insurance from the Dairyland Insurance Company, the effective date being December 25, 1973, expiring June 25, 1974. Applicant was informed by representatives of the Dairyland Insurance Company that he would be in compliance with the Public Utilities Commission rules regarding insurance and Applicant had every reason to believe that Dairyland Insurance Company would so comply.

5. The insurance obtained through Dairyland Mutual, which was in effect from the date mentioned above, was for coverage of 15/30/5. To meet the rule requirements of the Public Utilities Commission, it is mandatory that a taxicab company such as the Applicant carry insurance in the amounts of 25/50/5. Dairyland Insurance Company either could not or would not so comply and, as a result, a show cause proceeding was instituted and under date of February 27, 1974, Commission Decision No. 84584 was entered, which decision revoked and canceled the taxicab authority of Applicant for failure to have the proper insurance coverage.

6. According to the records on file with the Commission, Applicant's address is 722 West 5th, La Junta, Colorado 81050. Applicant's address is in truth and in fact 421 San Juan Street, La Junta, Colorado 81050. Applicant had apparently failed to notify the Commission of its change of address which, in and of itself, compounded the errors resulting in the cancellation of Applicant's certificate.

7. Applicant, in fact, had insurance at all times since acquiring the authority in June of 1973. The only problem was that it did not have high enough limits so as to be in compliance with the Commission's rules regarding insurance. Further, Applicant has had no incidents during this period of time which would give rise to any claims for damage, nor has Applicant had any claims against it, and, if there were any such claims during the period of time in question, Dairyland Mutual would be liable for insurance coverage up to the limits of its policy.

8. Notice is hereby taken of the fact that Applicant now has on file proof of insurance with Northland Insurance Company under its policy No. NL 095196, which is effective April 4, 1974, and which cures any defects that might have heretofore existed with respect to the certificate.

9. Cancellation of Applicant's certificate would work an extreme hardship on the public which relies upon Applicant for transportation service. Cancellation would serve no good purpose and would not be in the public interest. As indicated above, Applicant has in fact had liability insurance at all times.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. Certificate of Public Convenience and Necessity PUC No. 1519 should be reinstated.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

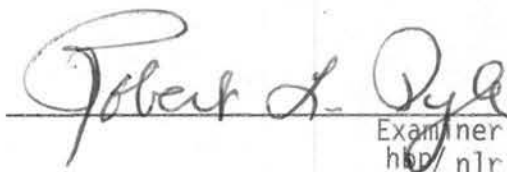
THE COMMISSION ORDERS THAT:

1. Certificate of Public Convenience and Necessity PUC No. 1519, owned and operated by La Junta Cab Company, Inc., 421 San Juan Street, La Junta, Colorado, be, and hereby is, reinstated and Commission Decision No. 84584, dated February 27, 1974, revoking said certificate be, and hereby is, canceled and held for naught as it pertains to said certificate.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14 CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbr/nlr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
DONALD P. CHRISTENSON, DOING BUSINESS)	APPLICATION NO. 27495-PP-Waiver
AS "RODON TRUCKING," 2136 HARLAN)	
STREET, EDGEWATER, COLORADO, FOR)	RECOMMENDED DECISION OF
A WAIVER OF RULE 18(a)(2) OF THE)	ROBERT E. TEMMER,
RULES AND REGULATIONS GOVERNING)	EXAMINER
CONTRACT CARRIERS BY MOTOR VEHICLE)	
FOR THE PERIOD OF SEPTEMBER 25, 1972)	GRANTING WAIVER
TO APRIL 11, 1974 AND FOR THE RE-)	
INSTATEMENT OF PERMIT NO. B-6921.)	

- - - - -
July 8, 1974
- - - - -

Appearances: Rosemary Christenson,
Edgewater, Colorado,
on behalf of Applicant;
Dalton O. Ford, Denver,
Colorado, of the Staff
of the Commission.

PROCEDURE AND RECORD

On April 11, 1974, Donald P. Christenson, doing business as "Rodon Trucking," hereinafter referred to as Applicant, filed the above-titled application with this Commission seeking a waiver of Common Carrier Rule 18(a)(2) of this Commission's Common Carrier Rules relating to Cargo Insurance for the period July 14, 1972, to and including April 11, 1974, such waiver to apply to operations conducted under Permit No. B-6921, and seeking reinstatement of the operating rights under said Permit. It is noted by the Examiner, on his own motion, that the applicable Rule is Rule 15(b) of the Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle since Applicant's authority is that of a contract carrier rather than a common carrier. The application will therefore be construed as an application for waiver of Rule 15(b) of the Rules and Regulations Governing Private Carriers by Motor Vehicle of this Commission.

The Commission assigned Docket No. 27495-PP-Waiver to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended. The Applicant also filed applications for emergency temporary authority and temporary authority, and by Decision No. 84836, issued April 16, 1974, the Commission granted emergency temporary authority and by Decision No. 84933, issued May 7, 1974, the Commission granted temporary authority to the Applicant.

The Commission, after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held in the hearing room of the Commission, Columbine Building, 1845 Sherman Street, Denver, Colorado, on Thursday, June 27, 1974, at 10 a.m. The hearing was held at the said time and place by Examiner Robert E. Temmer, to whom the matter had been duly assigned pursuant to law.

Exhibit 1 was offered and admitted into evidence; testimony was taken and statements were received; and at the conclusion of the hearing, the Examiner granted the application with written order to follow.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. By Decision and Case No. 3582-H-Ins. issued September 25, 1972, the operating rights of Applicant under Permit No. B-6921 were revoked for the failure of the Applicant to have a currently effective Certificate of Cargo Insurance on file with the Commission, and for the failure of the Applicant to appear at a hearing as lawfully ordered by the Commission.

2. The purpose of the herein application is to obtain an Order from this Commission exempting Donald P. Christenson, doing business as "Rodon Trucking," holder of Permit No. B-6921 from the provisions of Rule 15(b) of the Rules and Regulations Governing Private Carriers by Motor Vehicle of this Commission, relating to cargo insurance for the period from September 25, 1972, to and including April 11, 1974, and reinstating his operating rights under said Permit.

3. This application was not protested and no one appeared at the hearing in opposition to the granting of the application as requested by Applicant.

4. Although a current Certificate of Cargo Insurance was not on file with this Commission for the period above referred to, Applicant did, in fact, have in effect valid cargo insurance and did, in fact, pay premiums on this insurance. Applicant received notice from this Commission relating to the Show Cause Case which eventually resulted in the revocation of his Permit, and at that time contacted his insurance company and requested that the necessary papers be filed. The insurance company filed a Certificate with this Commission, however, said Certificate was returned to the insurance company for modification and correction and said insurance company thereafter failed to refile the Certificate with this Commission. The Applicant herein had been informed by the insurance company that the Certificate was filed and he was under the impression that everything had been taken care of so that the Show Cause Case would be dismissed. Applicant did not receive personal notice of the Order and Decision in Case No. 3582-H-Ins. until some time in April of 1974, and upon receiving notice of said revocation filed the herein application and applications for emergency temporary authority and temporary authority, as set out in PROCEDURE AND RECORD above, so that he could continue operations. It was through the failure or fault of the insurance company that proper Certificates of Insurance were not filed with this Commission, and the Applicant herein did everything required of him by the insurance company to obtain the insurance, and, in fact, the insurance was in full force and effect during the entire period herein involved.

5. During the period involved herein, Applicant's trucks have been involved in three accidents, one on a public highway, and two on private property. None of these accidents involved other vehicles and all claims resulting from these accidents have been settled by Applicant's insurance company.

6. The waiver and exemption sought in this application will not endanger the public safety if granted.

7. It would be in the public interest to reinstate the operating rights of the Applicant under Permit No. B-6921.

8. All required filings of the Applicant are current with this Commission, including a Certificate of Cargo Insurance as required by Rule 15(b) of the Rules and Regulations Governing Private Carriers by Motor Vehicle of this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The waiver of Rule 15(b) of the Rules and Regulations Governing Private Carriers by Motor Vehicle for the period from September 25, 1972, to and including April 11, 1974, sought in this application should be granted.

2. The operating rights under Permit No. B-6921 should be reinstated just as if the Order in Case No. 3582-H-Ins. had never been entered and become effective as to said operating rights.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Donald P. Christenson, doing business as "Rodon Trucking," 2136 Harlan Street, Edgewater, Colorado, be, and hereby is, exempt, for the period of September 25, 1972, to and including April 11, 1974, only, and for no other period, from compliance with Rule 15(b) of this Commission's Rules and Regulations Governing Private Carriers by Motor Vehicle, said Rule relating to a Certificate of Cargo Insurance.

2. The operating rights of Donald P. Christenson, doing business as "Rodon Trucking," 2136 Harlan Street, Edgewater, Colorado, under Permit No. B-6921 be, and hereby are, reinstated just as if Case No. 3582-H-Ins. had never become effective in its revocation of said operating rights.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9 (2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Robert E. Semme
Examiner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: MOTOR VEHICLE OPERATIONS OF)
U.S. CARGO CORPORATION, CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3639, RESPONDENT.)

CASE NO. 5564

ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

July 2, 1974

STATEMENT

BY THE COMMISSION:

Heretofore, the above-named Respondent was granted the above-listed certificate to conduct certain operations by motor vehicle for hire within the State of Colorado.

The Staff of the Commission has conducted an investigation of the Respondent's tariffs and motor vehicle operations conducted under Certificate of Public Convenience and Necessity PUC No. 3639.

It appears that said Respondent may have violated the Public Utilities Law and the Rules and Regulations of the Commission by failing and neglecting to assess charges as required by its tariffs, and by conducting operations not authorized by the Commission under Certificate of Public Convenience and Necessity PUC No. 3639.

FINDINGS OF FACT

1. Respondent participates in Colorado Motor Tariff Bureau, Inc., Agent, Tariff No. 1, Colorado PUC No. 1, Twelfth Revised Page No. 4, Fourth Revised Page No. 78, and First Revised Page No. 79, as amended.
2. Appendix "A", Section I, attached hereto and incorporated herein by reference, sets forth apparent undercharges made by Respondent to the therein listed customers, as compared with Respondent's tariffs on file with this Commission.
3. Respondent has apparently adopted the practice, with regard to those customers listed in Appendix "A", Section I(1) and (2), of charging multiple users of shared use containers a pro rata share of the tariff charge of such container, although Respondent has no tariff, rule or regulation filed and approved by this Commission to permit such a practice.
4. Appendix "A", Section II, attached hereto and incorporated herein by reference, sets forth an apparent overcharge made by Respondent to the therein listed customer, as compared with Respondent's tariffs on file with this Commission.

5. Appendix "B", attached hereto and incorporated herein by reference, sets forth a list of customers apparently being served by Respondent, and which apparently have been served by Respondent outside of Respondent's Certificate of Public Convenience and Necessity PUC No. 3639.

6. Respondent has apparently granted at least one customer, to wit: Burt's Shoes, 902 16th Street, Denver, Colorado, at least one month's service without charge, in violation of Respondent's tariffs.

7. The aforementioned apparent violations occurred during the period from January 17, 1974 to July 1, 1974, and are presently occurring.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the Respondent, U.S. Cargo Corporation may be in violation of the Public Utilities Law and the Rules and Regulations of the Commission.

2. The Commission further concludes that sufficient cause exists for the holding of a hearing to determine the facts of said matter, and to determine what order or penalty, if any, should be made or imposed by the Commission.

3. The following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent herein, U.S. Cargo Corporation, be, and hereby is, directed to appear before the Commission at the hearing as set forth below to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, an Order revoking, pursuant to Section 115-9-12 CRS 1963, as amended, the aforesaid Certificate of Public Convenience and Necessity heretofore issued to said Respondent.

2. This matter be, and hereby is, set for hearing before the Commission as follows:

Date: August 21, 1974

Time: 10:00 a.m.

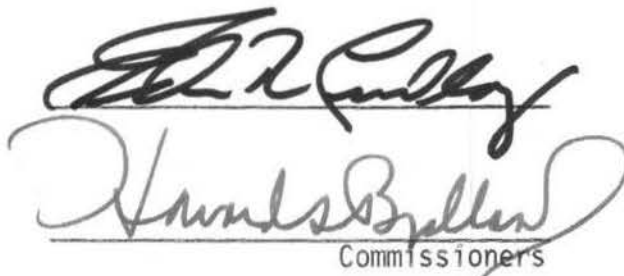
Place: Hearing Room of the Commission
500 Columbine Building
1845 Sherman Street
Denver, CO 80203

At such time and place, Respondent will be given an opportunity to be heard, and all parties, as well as the Staff of the Commission, may introduce such evidence and present such arguments as are proper and material to the issues herein.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating

APPENDIX "A"

Decision No. 85326
Page One of Two PagesSection I - Undercharges By Respondent

<u>Customer</u>	<u>No. Pickups Per Week</u>	<u>Monthly Amount Paid</u>	<u>Monthly Tariff Charge</u>	<u>Monthly Undercharge</u>
1. Customers located in University Hills Shopping Center, 2700 S. Colo. Blvd., Denver, CO, sharing the containers listed below:				
<u>North Mall</u>				
3 - 2-yard containers	6		\$147.00	
3 - 3-yard containers	6		207.00	
<u>South Mall</u>				
4 - 2-yard containers	6		196.00	
3 - 3-yard containers	6		207.00	
Dave Cook		\$ 40.00		
Fashion Bar		20.00		
Baker's Shoes		6.25		
Conch's Shoes		6.25		
Coomer Jewelry		4.25		
Mill End Drapery		6.25		
Sherwin Williams Paint		7.00		
Maternity Mode		7.00		
Phelps Shoe Service		6.25		
Lou's Music Box		6.25		
Gibson Fabric Center		10.00		
Geiselhart Deli		12.50		
Childs Bakery		18.50		
University Hills Hardware		32.00		
Dardano's Italian Kitchen		8.00		
University Hills Cleaners		7.00		
University Hills Liquors		6.00		
Beauty Spot		4.25		
University Hills Barbers		4.25		
Archer Photo Studio		4.25		
University Hills Florist		4.25		
Yarbros Drug		30.00		
Fashion Bar		12.50		
Boy's Store		10.00		
Casual Shop		10.00		
Fashion Bar Young Set		12.50		
Morris Alpert		7.50		
Fashion Bar Men's Store		12.50		
Empire Savings & Loan		4.25		
Sweetbriar		4.25		
TOTAL		\$323.90	\$757.00	\$433.10

Section I - Undercharges By Respondent

<u>Customer</u>	<u>No. Pickups Per Week</u>	<u>Monthly Amount Paid</u>	<u>Monthly Tariff Charge</u>	<u>Monthly Undercharge</u>
2. Customers located in the 800 block of 16th St., Denver, CO, sharing one 3-yard container:	6		\$ 69.00	
Baker's Shoes		\$ 8.50		
Lane Bryant		32.00		
New Breed		7.00		
TOTAL		\$47.50	\$ 69.00	\$ 21.50
3. Woolworth's, 701 West Hampden Ave., Englewood, CO, ½ hour labor per pickup	6	\$68.00	\$390.00	\$322.00
4. Arapahoe Drug, 5196 S. Lowell Blvd., Littleton, CO, 1 - 2-yard container plus 10 min. labor per pickup	4	\$47.00	\$110.66	\$ 63.66
5. Burt's Shoes, 902 16th St., Denver, CO, 10 min. labor per pickup	3	\$ 8.50	\$ 65.00	\$ 56.50
6. Northlake Mobile Homes, 1500 W. 92nd, Denver, CO, 435 units @ \$1.25 plus 2 2-yard containers	2	\$543.75	\$587.75	\$ 35.00

Section II - Overcharge by Respondent

<u>Customer</u>	<u>No. Pickups Per Week</u>	<u>Monthly Amount Paid</u>	<u>Monthly Tariff Charge</u>	<u>Monthly Undercharge</u>
1. King Soopers, University Hills Shopping Center, 1 - 2-yard container plus ½ hr. labor per pickup	7	\$625.00	\$517.00	\$108.00

APPENDIX "B"

Decision No. 85326
Page One of One Page

CUSTOMER'S NAME

ADDRESS OF PICKUP

McKendry Building

West Cedar and Zinnia Way
Jefferson County

Green Mountain Townhouse #2

650 South Youngfield Court
Jefferson County

Green Mountain Townhouse #3

12971 West Ohio
Jefferson County

Applewood Park Townhouse

20th and York Court
Jefferson County

U-Totem Food Store

2575 Youngfield Court
Jefferson County

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAYNARD T. BINKERD AND ARVONNE J.)
BINKERD, DOING BUSINESS AS "R & P)
SCENIC TOURS," 746 EAST PLATTE,)
COLORADO SPRINGS, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 696 TO EDWARD J.)
SMITH AND TOMMIE LAROE DONAHOO,)
DOING BUSINESS AS "R & P SCENIC)
TOURS," 4735 SCENIC CIRCLE, COLO-)
RADO SPRINGS, COLORADO.)

APPLICATION NO. 27548-Transfer
ORDER OF THE COMMISSION

July 9, 1974

Appearances: Elwood M. Haynie, Esq., Colorado Springs,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 696, as granted by Commission Decision No. 73868 dated November 20, 1969, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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 time or either of them, kept and performed.

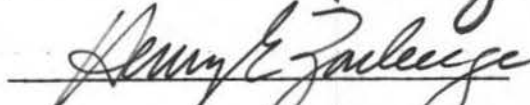
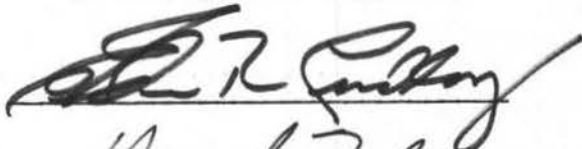
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HOWARD S. BOELLAND - ABSENT

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MAYNARD T. BINKERD AND ARVONNE J.)
BINKERD, DOING BUSINESS AS "COLORADO)
SCENIC TOURS," 746 EAST PLATTE,)
COLORADO SPRINGS, COLORADO, FOR AUTH-)
ORITY TO TRANSFER ALL RIGHT, TITLE,)
AND INTEREST IN AND TO CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 106 TO EDWARD J. SMITH AND)
TOMMIE LAROE DONAHOO, DOING BUSINESS)
AS "COLORADO SCENIC TOURS," 4735)
SCENIC CIRCLE, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 27550-Transfer
ORDER OF THE COMMISSION

July 9, 1974

Appearances: Elwood M. Haynie, Esq., Colorado Springs,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transfer has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 106, as granted by Commission Decision No. 73868 dated November 20, 1969, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

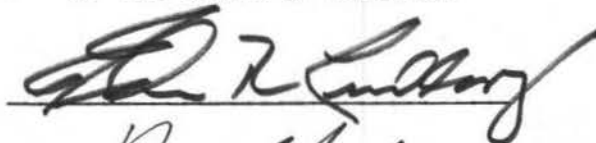
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HOWARD S. BJELLAND - ABSENT

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CLYDE COFFEY AND MYRL COFFEY, DOING)
BUSINESS AS "FAST TAXI SERVICE,")
ROUTE 1, BOX 274, MONTROSE, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CERTIF-)
IFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 1648 TO JACOB C.)
WOLFE, JR., DOING BUSINESS AS "FAST)
TAXI SERVICE," 1150 NORTH CASCADE,)
MONTROSE, COLORADO.)

APPLICATION NO. 27570-Transfer
ORDER OF THE COMMISSION

July 9, 1974

Appearances: Frank J. Woodrow, Esq., Montrose,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 1648, as granted by Commission Decision No. 82369 dated February 16, 1973, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

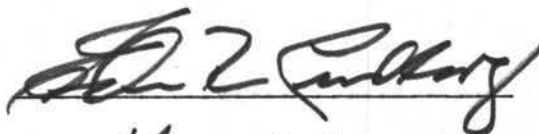
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HOWARD S. BOELLAND - ABSENT

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE COLORADO AND SOUTHERN RAILWAY)
COMPANY FOR AUTHORITY TO ABANDON)
SERVICE AND REMOVE ITS TRackage AT)
THE STATION OF BRACEWELL, WELD)
COUNTY, COLORADO.)

APPLICATION NO. 27309-Amended

July 2, 1974

PROCEDURE AND RECORD

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 Colorado and Southern Railway Company, hereinafter sometimes referred to as the C&S, on February 1, 1974, filed an application seeking authority to abandon service at the station of Bracewell, Colorado, and to remove said station from the Open and Prepaid Lists.

Explanatory material submitted with the application for Commission consideration consists of:

Exhibit A - Letter from Great Western Sugar Company expressing concurrence with abandonment and removal of tracks at Bracewell.

Exhibit B - C&S station map, Bracewell, Colorado.

In conformance with the Commission rules herein, public notice of the requested station abandonment was posted at the Greeley and Windsor depots and at the station of Bracewell, Colorado, on January 29, 1974. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. Affidavit of said posting was received by the Commission on February 6, 1974. No protest in the matter has been received by the Commission.

Pursuant to Chapter 115-6-8(2), CRS 1963, as amended, the Commission has forwarded a Notice of Filing, together with a copy of the application, to the interested parties herein. Said Notice, dated February 6, 1974, was to ascertain if any other action be considered in the matter.

On May 14, 1974, the C&S filed an amendment to its application to include authority to remove all its trackage at the station of Bracewell, Colorado.

In conformance with the Commission rules herein, public notice of the requested station abandonment was posted at the Greeley and Windsor depots and at the station of Bracewell, Colorado, on May 7, 1974. Said Notice included the further directions that any public objections should be forwarded to the Public Utilities Commission. Affidavit of said posting was received by the Commission on May 14, 1974. No protest in the matter has been received by the Commission.

Pursuant to Chapter 115-6-8(2), CRS 1963, as amended, the Commission has forwarded a Notice of Filing together with a copy of the amended application, to the interested parties herein. Said Notice, dated May 29, 1974, was to ascertain if any other action be considered in the matter. No adverse reply or other suggestion was received by the Commission within the period of thirty (30) days as designated in the Notice.

Upon Staff investigation and Commission consideration of the instant application, it appears that the proposed abandonment is compatible with the public interest; and, pursuant to Chapter 115-6-9(5), CRS 1963, as amended, the Commission determined said matter forthwith upon the record and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the record and files herein, the Commission is informed in the matter, and the following is found as fact:

1. Public Notice of the proposed railroad agency closing, and trackage removal has been posted in accordance with the Commission Rules, and no protest in the matter has been received.
2. Notice of the proposed abandonment has been given by the Commission to the interested parties, and no protest in the matter has been received.
3. The station of Bracewell was established primarily to handle the loading of sugar beets for the Great Western Sugar Company. There is no town nor any industrial or commercial development in this location which would use the facility at this point.
4. Bracewell is located approximately seven (7) miles west of Greeley, Colorado. There has been no revenue billing in or out of Bracewell in the last five (5) years. The Great Western Sugar Company advised the C&S by letter, dated February 25, 1971, (Exhibit A) that it had no objection to the removal of the trackage at Bracewell.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. Safe and economical railroad operation does not require the maintenance of the trackage or service at the station of Bracewell, Colorado.
2. The proposed abandonment will not cause any inconvenience to the public.
3. The authority as sought in the instant application should be granted.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That Applicant herein, the Colorado and Southern Railway Company, be, and hereby is, authorized to abandon service and remove trackage at the station of Bracewell, Colorado, and to remove said station from the Open and Prepaid List.

2. That reference shall be made to this Decision in the respective tariff schedules to show abandonment of the station of Bracewell as authority for such action.

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

4. That this order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR THE AUTHORITY TO)
RECONSTRUCT AND FURTHER WIDEN THE)
GRADE SEPARATION STRUCTURES ON)
INTERSTATE HIGHWAY ROUTE 25)
OVERPASSING 48TH AVENUE AND THE)
COLORADO AND SOUTHERN RAILWAY)
COMPANY'S WEST SIDE LINE, IN THE)
CITY AND COUNTY OF DENVER, STATE)
OF COLORADO.)

APPLICATION NO. 27474

- - - - -
July 2, 1974
- - - - -

PROCEDURE AND STATEMENT

BY THE COMMISSION:

On April 2, 1974, the Division of Highways of the State of Colorado hereinafter referred to as Division, filed its application in accordance with the rules of this Commission seeking authority to reconstruct and widen the existing highway/railroad grade separation structures which carry Interstate Highway No. 25 over the west side branch line of the Colorado and Southern Railway Company, hereinafter referred to as C&S, in Denver, Colorado, as noted above.

With reference to the instant application, the proposed work is included in the Division project designated as Project No. C 01-0025-18 and involves reconstructing and widening of two (2) highway/railroad grade separation structures, designated E-16-EH for northbound traffic and E-16-ER for southbound traffic.

Explanatory material submitted with the application is Exhibit A, general layout of proposed construction including general plan and elevation of proposed construction showing dimensions and clearances for the proposed highway/railway grade separation structures.

To be received by the Commission as a late-filed exhibit is a fully executed copy of the pending Supplemental Agreement between the Division and the C&S pertaining to the proposed highway overpass structure.

Pursuant to Chapter 115-6-8(2), CRS 1963, as amended, the Commission has forwarded a Notice of Filing, together with a copy of the application, to the interested parties herein. Said Notice, dated April 16, 1974, was to ascertain if any other action be considered in the matter. No adverse reply or other suggestion was received by the Commission within the period of thirty (30) days as designated in the Notice.

Upon Staff investigation and Commission consideration of the instant application, it appears the proposed new construction is compatible with the public interest, and, pursuant to Chapter 115-6-9(5), CRS 1963, as amended, the Commission determined said matter forthwith upon the record and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the record and files herein, the Commission is informed in the matter and the following is found as fact that:

1. Notice of the proposed highway/railroad overpass construction has been given by the Commission to the interested parties, and no protest in the matter has been received.
2. A Supplemental Agreement pertaining to the work to be done and payment therefor is in process of final execution between the Division and the C&S; copy of said Supplemental Agreement shall be made available to the Commission as a late-filed exhibit when fully executed. The Supplemental Agreement provides that all work on the improvements shall be at the sole expense of the Division, paid in accordance with the current federal and state rules and regulations applicable thereto. After construction is completed, the Division will maintain, at its sole expense, its own bridges, piers, abutments and roadway drainage, embankments and surfaces. Maintenance of tracks, railroad grades and operation facilities shall continue as maintenance responsibilities of the C&S.
3. Interstate Highway No. 25 is the principle north-south National Defense Highway in Colorado and passes through the City and County of Denver.
4. In the highway improvement work designated as Project No. C-01-0025-18 there will be an upgrading and widening of Interstate No. 25 in the vicinity of West 48th Avenue where the highway crosses over the C&S Branch Line Track on twin highway bridges Nos. E-16-ER and E-16-EH, in the City and County of Denver, Colorado.
5. The proposed construction which provides for upgrading and increased laneage will be accomplished by closing the median separation between the two bridges and widening structure E-16-ER on the outside.
6. Structure E-16-EH, for northbound traffic, has a curb to curb width of 54'-0" to accommodate four 12-foot driving lanes and a 6-foot shoulder. Structure E-16-ER, for southbound traffic, has a curb to curb width of 42'-0" to accommodate three 12-foot driving lanes and a 6-foot shoulder.
7. The proposed new roadway over the structure will consist of a 14-foot median and four 12-foot driving lanes in each direction with shoulders and curbs. The flow of traffic in each direction will be separated using a concrete median barrier system. Outside curbs will be 1'-3" with standard bridge railing.
8. The completed structure will provide a minimum vertical clearance above the top of rail of 23'-0" against the Commission minimum required 22'-6". The minimum horizontal clearance between the bridge structure and the center line of the rail will exceed the Commission minimum required clearance of 8'-6".
9. The Division will award construction contracts and supervise construction on the project to insure compliance with the plans and specifications which have been prepared by and for the Division. The project, when completed, will be in conformity with the design criteria for Interstate and National Defense Highways, adopted by the American Association of State Highway Officials, approved by the U.S. Department of Transportation Federal Highway Administration.

10. The average volume of traffic on Interstate No. 25 at the project area is 110,750 vehicles daily with an anticipated increase by 1994 to 123,000 vehicles daily. Capacity of the existing highway will be inadequate in the near future.

11. All construction is contained within the now-existing controlled access right of way of Interstate Highway No. 25. No abutting properties are affected by the proposed construction.

12. All public utilities affected by these improvements are provided for in separate understandings and agreements with the respective owners.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. As provided by 115-4-6(2)(a), CRS 1963, as amended, the Commission has jurisdiction in the instant matter.

2. Notice of the proposed highway/railroad overpass construction has been given by the Commission, and no protest in the matter has been received.

3. The public safety, convenience and necessity require and will be served by reconstruction, widening and use of the highway/railroad grade separation structure.

4. The circumstances of increasing volumes of vehicular traffic and the related widening and upgrading of Interstate Highway No. 25 indicate and justify the necessity for the widening of the existing structures.

5. Horizontal and vertical clearances for the new highway/railroad bridge construction exceed clearance requirements established by the Commission and are, therefore, acceptable.

6. The authority as sought in the instant application for approval of the proposed reconstructing and widening of the highway/railroad bridges should be granted.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That authority and approval be, and hereby is, granted to Division of Highways, State of Colorado, for the reconstructing and widening the highway/railroad grade separation structures, designated E-16-ER and E-16-EH located on Interstate Highway No. 25 over the Colorado and Southern Railway Company branch line track at West 48th Avenue in the City and County of Denver, Colorado.

2. That the construction, operation, costs and maintenance of the highway/railroad overpass bridge shall all be performed and paid in accordance with the plans, specifications, and exhibits herein and the pending Supplemental Agreement between Division of Highways of the State of Colorado and the Colorado and Southern Railway Company. Said Agreement to be accepted as a late-filed exhibit herein, and all exhibits shall be, and hereby are, incorporated by reference and made a part hereof.

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

4. This Order shall become effective forthwith.

DONE IN OPEN MEETING the 2nd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GERALD C. MERKEL, DOING BUSINESS AS)
"C & L HAULING," 9151 E. MANSFIELD)
AVENUE, DENVER, COLORADO, FOR AUTH-)
ORITY TO EXTEND OPERATIONS UNDER)
CONTRACT CARRIER PERMIT NO. B-8265.)

APPLICATION NO. 27610-PP-Extension
ORDER OF THE COMMISSION

- - - - -
July 9, 1974
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter extended and ordered;

WE FIND, That there is a present and special need for the transportation services as hereinafter extended and ordered; and that it does not appear that the grant of authority as hereinafter extended and ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

AND WE FURTHER FIND, That Applicant named in the caption above is fit, willing and able properly to perform the extended service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations.

An appropriate order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under said Contract Carrier Permit No. B-8265 to include the following:

Transportation of

Scrap metal

Between all points located within the Counties of Denver, Larimer, Jefferson, Arapahoe, Adams, and Boulder, State of Colorado.

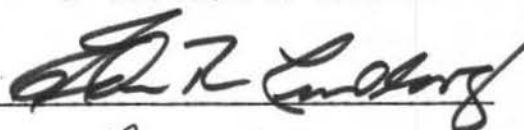
RESTRICTION: This permit is restricted to rendering transportation service for only Quickway Iron & Metals, 4247 Fillmore, Denver, Colorado; Luria Bros. & Co., Inc., Pueblo, Colorado; Denver Metals, 1919 7th St., Denver, Colorado; Neiman Salvage, 730 Navajo, Denver, Colorado; and Iron and Metals, 585 Walnut, Denver, Colorado.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced until a statement of customers, the necessary tariffs, required insurance, have been filed and authority sheets have been issued.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





HOWARD S. BJELLAND - ABSENT

Commissioners

Appendix
Decision No. 85332
July 9, 1974

C & L Hauling

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: Items No. 1, 2, 3, and 4 of this Permit are restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
(b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

- (5) Scrap metal

Between all points located within the Counties of Denver, Larimer, Jefferson, Arapahoe, Adams, and Boulder, State of Colorado.

RESTRICTION: Item No. 5 of this Permit is restricted to rendering transportation service for only Quickway Iron & Metals, 4247 Fillmore, Denver, Colorado; Luria Bros. & Co., Inc., Pueblo, Colorado; Denver Metals, 1919 7th Street, Denver, Colorado; Neiman Salvage, 730 Navajo, Denver, Colorado; and Iron and Metals, 585 Walnut, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
LYNN E. SCHMER, 4412 EAST MULBERRY,)	APPLICATION NO. 27623-PP
FORT COLLINS, COLORADO, FOR AUTH-)	
ORITY TO OPERATE AS A CLASS "B")	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
July 9, 1974
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence thus submitted amply warrants the grant of authority as hereinafter ordered;

WE FIND, That there is a present and special need for Applicant's transportation services as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes;

WE FURTHER FIND, That the grant of authority as hereinafter ordered should be identified and be known as "Permit No. B-7397," being the number of a permit formerly held by Applicant.

AND WE FURTHER FIND, That Applicant is fit, willing and able properly to perform the service as hereinafter granted and to conform to the applicable statutory requirements and the Commission's rules and regulations thereunder, and that an appropriate order should be entered; and

IT IS ORDERED, That Lynn E. Schmer, 4412 East Mulberry, Fort Collins, Colorado, be, and is hereby, authorized to operate as a class "B" contract carrier by motor vehicle for hire with authority as set forth in Appendix attached hereto; that the class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7397," and this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That all operations hereunder shall be strictly contract operations, the Commission retaining jurisdiction to make such amendments to this Permit as deemed advisable.

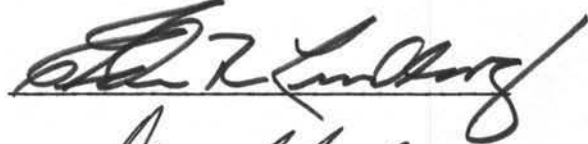
IT IS FURTHER ORDERED, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance, and has secured authority sheets.

IT IS FURTHER ORDERED, That the right of Applicant to operate hereunder shall depend upon compliance with all present and future laws and rules and regulations of the Commission.

AND IT IS FURTHER ORDERED, That this Order shall become effective
as of the day and date hereof.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HOWARD S. BOELLAND - ABSENT

Commissioners

Appendix
Decision No. 85333
July 9, 1974

Lynn E. Schmer

Transportation of
farm products

Between all points located within an area comprised of the Counties of Weld and Larimer, and between said points, on the one hand, and all points within the State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of livestock, bulk milk, and dairy products.

(Decision No. 85334)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. Z. TREE SERVICE, INC., 1501)
ORCHARD ST., BOULDER, COLORADO, FOR)
EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27689-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

July 9, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

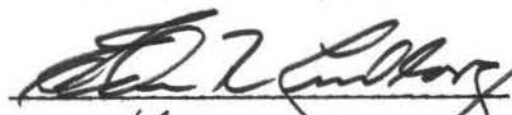
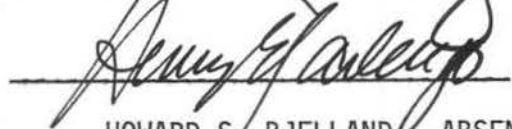
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

HOWARD S. BJELLAND - ABSENT

Commissioners

Appendix
Decision No. 85334
July 9, 1974

E. Z. Tree Service, Inc.

Transportation of

- (1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

- (2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

(Decision No. 85335)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES AND CHARGES
CONTAINED IN TARIFF REVISIONS FILED
BY PUBLIC SERVICE COMPANY OF COLORADO
UNDER ADVICE LETTER NO. 190 - GAS AND
UNDER ADVICE LETTER NO. 643 - ELECTRIC.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 868

ORDER GRANTING
PETITION TO INTERVENE

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974 the Administrator of General Services (GSA) by its attorney, filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 10:00 A.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Administrator of General Services be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




_____ Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

jp

(Decision No. 85336)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
CONTAINED IN TARIFF REVISIONS FILED	)	DOCKET NO. 868
BY PUBLIC SERVICE COMPANY OF COLO-)	
RADO UNDER ADVICE LETTER NO. 190 -	)	ORDER GRANTING
GAS AND UNDER ADVICE LETTER NO. 643 -	)	PETITION TO INTERVENE
ELECTRIC.)	

- - - - -
July 9, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974 the Colorado Association of School Boards, by its attorney Jay W. Swearingen, filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petition for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 10:00 A.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Colorado Association of School Boards be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

jp

(Decision No. 85337)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES AND CHARGES)	INVESTIGATION AND SUSPENSION
CONTAINED IN TARIFF REVISIONS FILED)	DOCKET NO. 868
BY PUBLIC SERVICE COMPANY OF COLO-)	
RADO UNDER ADVICE LETTER NO. 190 -)	ORDER GRANTING
GAS AND UNDER ADVICE LETTER NO.)	PETITION TO INTERVENE
643 - ELECTRIC.)	

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974 CF&I Steel Corporation (CF&I), by its attorney David W. Furgason, filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 10:00 A.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

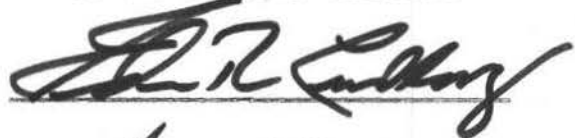
THE COMMISSION ORDERS THAT:

The CF&I Steel Corporation be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "J. R. Cullum", written over a horizontal line.A handwritten signature in dark ink, appearing to read "Howard S. Bjelland", written over a horizontal line. Below the signature, the word "Commissioners" is printed.

COMMISSIONER HOWARD S. BJELLAND ABSENT

jp

(Decision No. 85338)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN TARIFF)	DOCKET NO. 867
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY)	ORDER GRANTING
UNDER ADVICE LETTER NO. 987.)	PETITION TO INTERVENE

- - - - -
July 9, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974 the Colorado Association of School Boards, by its attorney Jay W. Swearingen, filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

ORDER


THE COMMISSION ORDERS THAT:

The Colorado Association of School Boards be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




_____ Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENTS ROBERT REED REICHERT,)	
DOING BUSINESS AS "YELLOW BARREL	)	CASE NO. 5559
DISPOSAL," P.O. BOX 476, LOVELAND,)	
COLORADO, UNDER CERTIFICATES OF)	
PUBLIC CONVENIENCE AND NECESSITY	)	RECOMMENDED DECISION OF
PUC NO. 3740, PUC NO. 8166, AND	)	THOMAS M. McCAFFREY,
PUC NO. 6980, AND YELLOW BARREL	)	EXAMINER
DISPOSAL, INC., UNDER CERTIFICATE)	
OF PUBLIC CONVENIENCE AND NECES-)	
SITY PUC NO. 5257.)	

July 8, 1974

Appearances: David E. Driggers, Esq.,
Denver, Colorado, for
Respondent;
Oscar E. Franz, Denver,
Colorado, of the Staff
of the Commission.

PROCEDURE AND RECORD

On May 7, 1974, the Commission entered its Decision No. 84994, which, after stating that an investigation conducted by the Staff of the Commission relating to the motor vehicle operations of the above-named Respondents under Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257, stated that sufficient cause existed to hold a hearing to determine the facts of possible violations of Rule 6(a) of this Commission's Rules and Regulations Governing Common Carriers by Motor Vehicle for Hire, to hear such arguments as may be material, and to determine what order or penalty, if any, shall be made or imposed by the Commission.

More specifically, the Commission stated in said Decision No. 84994 that Respondents may have rendered unauthorized service to 14 separate customers with various mailing addresses in Fort Collins, Longmont, and Loveland, Colorado.

The Commission assigned Docket No. 5559 to the case and ordered that Respondents Robert Reed Reichert, doing business as "Yellow Barrel Disposal," and Yellow Barrel Disposal, Inc., appear before the Commission on June 24, 1974, at 10 a.m. to show cause why the Commission should not take such action and enter such order or penalty as may be appropriate, including, but not limited to, a cease and desist order, or, if warranted, an order canceling and revoking Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257. The case was heard at the stated time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law.

At the hearing, Respondents and the Staff of the Commission presented a Stipulation, Exhibit 1 herein, which was accepted by the Examiner.

At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Respondent Robert Reed Reichert, doing business as "Yellow Barrel Disposal," is the owner of Certificates of Public Convenience and Necessity PUC No. 8166, PUC No. 3740, and PUC No. 6980. These respective authorities provide as follows:

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 8166:

"Transportation of

Ash, trash, and other refuse

From the following described territory:

Commencing at the intersection of the Larimer-Boulder County Line and the east boundary of Roosevelt National Forest, thence east along said Larimer-Boulder County Line as extended to a point 5 miles east of Interstate Highway 25; thence south approximately 20 miles to Colorado Highway 7, thence west on Colorado Highway 7 to its intersection with Boulder-Weld County Line, thence north along said Boulder-Weld County Line to a point 2 miles south of the intersection of said line with Colorado Highway 66, thence due west to intersect with the east boundary of Roosevelt National Forest, thence north along said east boundary of Roosevelt National Forest to point of beginning.

To duly designated dumps and disposal sites located in Boulder and Weld Counties, Colorado.

RESTRICTION: This Certificate is restricted against service to the Town of Erie, Colorado, and within the corporate limits of Longmont, Colorado."

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 3740:

"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."

CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PUC NO. 6980:

"Transportation of

Ash, trash, and other refuse

From the City of Platteville, Colorado, and a 7 1/2 mile radius thereof to designated dumps and disposal sites."

2. Respondent Yellow Barrel Disposal, Inc., is the owner of Certificate of Public Convenience and Necessity PUC No. 5257, which authorizes:

"Transportation of

ashes, trash, and other waste materials,

between points in the City of Loveland, Colorado, and a five-mile radius thereof, to such locations where the same may be lawfully delivered or disposed of."

3. Rule 6(a) of the Commission's Rules and Regulations Governing Common Carriers provides as follows:

RULE 6

"Extension of Certificate Prohibited without Hearing

"(a) No Common Carrier by motor vehicle shall extend, or in any manner enlarge, diminish, change, alter, or vary the territory, route or routes, or the service authorized by his certificate, or serve any points or transport any commodities not included therein, unless and until such Common Carrier has made application to the Commission and the Commission has authorized the same."

As agreed to in the Stipulation entered into between the Respondents and the Staff of the Commission, Respondents have in fact engaged in transportation practices in violation of the Public Utilities Law and the above-quoted Rule 6(a) by serving customers outside its authorized territory.

4. This Commission by letter dated December 11, 1973, did advise Respondents that they were serving certain individuals and firms outside their respective territories. Respondents, subsequent to receiving said letter and prior to the Commission's initiation of this action, continued serving the customers in question. These individuals and firms, their addresses of pick-up, dates of service, and gross revenues derived from said services rendered each customer, resulting in total gross revenue of \$1,620, are listed on Appendix "A", attached hereto and by reference incorporated into this Recommended Decision.

5. Respondents have experienced some difficulty in determining the exact territorial boundaries of their Certificates, and before the Commission initiated this Show Cause action against them, Respondents

employed an engineering firm to map out in detail the boundaries of the respective Certificates. Respondents received maps from the engineering firm showing their Certificate boundaries on May 20, 1974. The Staff of the Commission concurs generally with the Respondents' territorial boundary maps, but additional discussion with the Staff is needed to agree upon the exact boundaries. Respondents, although having been advised by the Commission Staff that the enumerated customers did not lie within their respective service areas, did continue to serve these customers under the belief that they were within their certificated areas. Such continued service was not done with the intent of deceiving the Commission or defrauding the public, and Respondents have at all times cooperated with the Commission Staff and have willingly provided records or copies of all pertinent records. Respondents are not now serving any of the customers in question.

6. Respondents' lack of intent to deceive or defraud does not excuse the admitted violations, and Respondents should be penalized for such infractions in accordance with the Rules, Regulations, and policies of this Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. Respondents, at various times prior to May 30, 1974, engaged in transportation practices in violation of the Public Utilities Law and the Rules and Regulations of this Commission by serving 14 customers at various locations outside the scope and authority of their respective Certificates, all in violation of Rule 6(a) of the Commission's Rules and Regulations Governing Common Carriers.

2. Respondents' operating authorities should be canceled and revoked. Since Respondents did not, however, knowingly and willingly violate the Public Utilities Law and Rules and Regulations of this Commission, and has now ceased such violation, Respondents should be given the opportunity to elect to pay in lieu of said revocation and cancellation a sum certain to the Treasurer of the State of Colorado for the use and benefit of the Public Utilities Commission under and pursuant to the provisions of the Public Utilities Act.

3. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondents, Robert Reed Reichert, doing business as "Yellow Barrel Disposal," P.O. Box 476, Loveland, Colorado, and Yellow Barrel Disposal, Inc., be, and hereby are, found to be in violation of the Public Utilities Law of the State of Colorado and the Rules and Regulations of this Commission in the following respect, to-wit:

"By rendering services for the transportation of ashes, trash, and other refuse to 14 customers from various pick-up points outside the territorial boundaries of Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257."

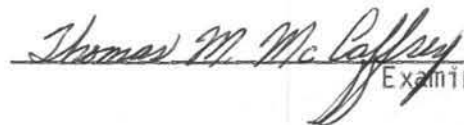
2. Said Respondents be, and hereby are, ordered to cease and desist from so doing.

3. Respondents' authorities with this Commission; namely, Certificates of Public Convenience and Necessity PUC No. 3740, PUC No. 8166, PUC No. 6980, and PUC No. 5257, be, and the same hereby are, revoked and canceled as of August 1, 1974; provided, however, that in lieu of said revocation and cancellation, Respondents may pay the sum of One Thousand Five Hundred Dollars (\$1,500) to the Treasurer of the State of Colorado on or before August 1, 1974, for the use and benefit of the Public Utilities Commission, Cash Account No. 11456, in which event and upon the presentation of evidence of said payment to this Commission, that portion of this Order pertaining to the cancellation and revocation of the aforesaid Certificates shall be null and void and of no effect, and said authorities shall be fully operative.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

YELLOW BARREL DISPOSAL & YELLOW BARREL DISPOSAL, INC.

<u>CUSTOMER NAME</u>	<u>ADDRESS OF PICK-UP POINT</u>	<u>SERVICE AFTER WARNING LETTER DATED 12-11-73</u>	<u>AMOUNT OF GROSS REVENUE FOR PERIOD OF SERVICE</u>
Alcoves Warehouse Retail Carpets	6208 S. College Avenue, Ft.Collins, CO.	12-15-73 to 12-31-73	@ \$ 22.00 per month \$ 11.00
Harris Marine Center	7301 S. Frontage Road, Ft.Collins, CO.	12-15-73 to 4-30-74	@ 40.00 per month 130.00
The Spanish Manor	6400 S. College Avenue, Ft.Collins, CO.	12-15-73 to 1-31-74	@ 29.00 per month 43.50
Mountain Bell Telephone Company	6100 S. College Avenue, Ft.Collins, CO.	12-15-73 to 1-15-74	@ 36.00 per month 71.00
Federal Air Traffic Control Center	2211 17th Avenue, Longmont, CO.	12-15-73 to 12-31-73	@ 166.00 per month 83.00
Wesley Hawkins	2652 Crestridge Court, Boulder, CO.	12-15-73 to 3-30-74	@ 4.00 per month billed quarterly 16.00
David Orr	2617 Crestridge Court, Boulder, CO.	1-15-74 to 3-30-74	@ 5.00 per month billed quarterly 15.00
Harold Ballard	2747 Crestridge Court, Boulder, CO.	12-15-73 to 3-30-74	@ 4.00 per month billed quarterly 14.00
Lake of the Pine Office	3091 Lakeridge Trail, Boulder, CO.	12-15-73 to 3-30-74	@ 4.00 per month billed quarterly 14.00
George Decker	9123 Pineridge Lane, Boulder, CO.	12-15-73 to 3-30-74	@ 4.00 per month billed quarterly 14.00
Richard Deatrick	2328 S. Lakeridge Trail, Boulder, CO.	1-1 -74 to 3-30-74	@ 6.00 per month billed quarterly 18.00
Ed Morrill	2929 S. Lakeridge Trail, Boulder, CO.	12-15-73 to 3-30-74	@ 6.00 per month billed quarterly 20.00
* 7-11 Stores	17th & Harvard, Longmont, CO.	12-15-73 to 2-28-74	@ 29.00 per month 29.00
* Viking Cabinets	3466 E. U. S. 34, Loveland, CO.	12-15-73 to 3-30-74	@ 300.00 per month <u>1,050.00</u>
* Additional locations discovered out of authority after warning letter issued.			TOTAL GROSS REVENUE <u>\$1,620.50</u>

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLE'S AVIATION, INC., 6700 S.)
KIPLING, LITTLETON, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE, AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. AC-39 TO ROYAL)
AMERICAN FLYERS INCORPORATED, 8505)
MONTVIEW BLVD., DENVER, COLORADO.)

APPLICATION NO. 27592-Transfer
ORDER OF THE COMMISSION

- - - - -
July 16, 1974
- - - - -

Appearances: John P. Thompson, Esq., Denver,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide air carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. AC-39, as granted by Commission Decision No. 70131 dated September 22, 1967, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

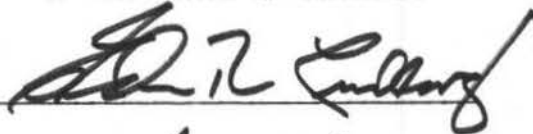

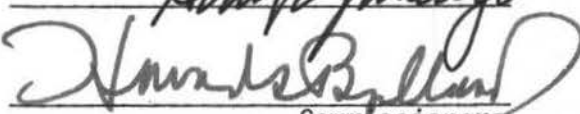
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 85341)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS)
OF EL PASO COUNTY, COLORADO FOR)
AUTHORITY TO CLOSE THE CROSSING OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY AND THE DENVER AND)
RIO GRANDE WESTERN RAILROAD COMPANY)
AT BRADLEY ROAD IN EL PASO COUNTY,)
COLORADO.)

APPLICATION NO. 27583

ORDER GRANTING
PETITION TO INTERVENE

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974 The Denver and Rio Grande Western Railroad Company, by its attorney Eric Paul, filed with the Commission a motion to intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Denver and Rio Grande Western Railroad Company be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

(Decision No. 85342)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE BOARD OF COUNTY COMMISSIONERS)
OF EL PASO COUNTY, COLORADO FOR)
AUTHORITY TO CLOSE THE CROSSING OF)
THE ATCHISON, TOPEKA AND SANTA FE)
RAILWAY COMPANY AND THE DENVER AND)
RIO GRANDE WESTERN RAILROAD COMPANY)
AT BRADLEY ROAD IN EL PASO COUNTY,)
COLORADO.)

APPLICATION NO. 27583

ORDER GRANTING
PETITION TO INTERVENE

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 26, 1974 The Atchison, Topeka and Santa Fe Railway Company, by its attorney Douglas McHendrie, filed with the Commission a motion to intervene in the above application.

The Commission states and finds that petitioner for intervention is a person 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.

An appropriate order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

The Atchison, Topeka and Santa Fe Railway Company be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

(Decision No. 85343)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CHARLES E. "ERNIE" RYBERG, DOING)
BUSINESS AS "ERNIE RYBERG HOUSE-)
MOVERS CO.," ROUTE 1, BOX 195 A,)
BRIGHTON, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 27693-PP-ETA
ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

July 9, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

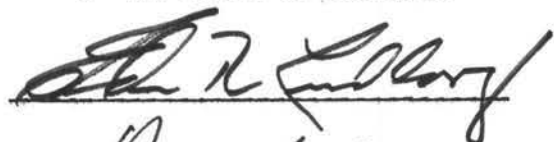

AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HOWARD S. BJELLAND - ABSENT

Commissioners

Appendix
Decision No. 85343
July 9, 1974

Ernie Ryberg Housemovers Co.

Transportation of
Buildings

From Collbran, Colorado, to Antonito, Colorado.

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for only the Colorado Division of Housing.

(Decision No. 85344)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITION TO INTERVENE

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 3, 1974 J. C. Penney Company, Inc., by its attorneys Lynn J. Ellins and John P. Thompson, filed with the Commission a motion to intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

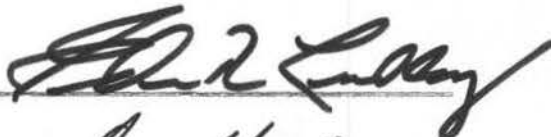
THE COMMISSION ORDERS THAT:

J. C. Penney Company, Inc., be and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

jp

(Decision No. 85345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HARRISON SCHOOL DISTRICT NO. 2,)

Complainant,)

vs.)

THE CITY OF COLORADO SPRINGS,)
DEPARTMENT OF PUBLIC UTILITIES,)

Respondent.)

CASE NO. 5555

ORDER GRANTING
WITHDRAWAL OF COMPLAINT

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 5, 1974 Complainant Harrison School District No. 2, by and through its counsel Peter J. King, Jr., filed its Motion to Withdraw Formal Complaint in the above-captioned case.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R

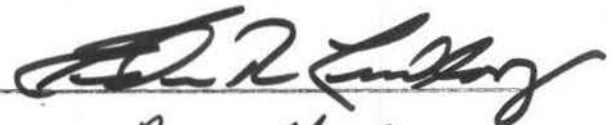
THE COMMISSION ORDERS THAT:

Harrison School District No. 2 be, and hereby is, granted permission to withdraw the above-captioned complaint and Case No. 5555 is dismissed without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

(Decision No. 85346)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
MILDRED T. DEWITT, DOING BUSINESS AS)
"TOR FARMS," ROUTE 1, BOX 103,)
BENNETT, COLORADO FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 27575

ORDER GRANTING
WITHDRAWAL OF APPLICATION

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 5, 1974 Applicant Mildred T. DeWitt, doing business as "Tor Farms," by her attorney Leslie R. Kehl filed with the Commission a Notice of Dismissal requesting that the hearing now set for August 21, 1974 in the above-specified proceeding be vacated and the application be dismissed.

The Commission finds and concludes that proper grounds exist for granting this request.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Mildred T. DeWitt, doing business as "Tor Farms," be, and hereby is, granted permission to withdraw the above-captioned application and the application is dismissed without prejudice.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN TARIFF)	DOCKET NO. 867
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY UNDER)	ORDER GRANTING
ADVICE LETTER NO. 987.)	LEAVE TO INTERVENE

- - - - -
July 9, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974, Colorado Public Interest Research Group addressed a letter to Commissioner Henry E. Zarlengo with respect to the within docket. A copy of said letter was sent to Chairman Edwin R. Lundborg and Commissioner Howard S. Bjelland. The Commission has elected to construe the aforesaid letter as a "Petition for Intervention" in the docket herein.

The Commission states and finds that Colorado Public Interest Research Group, whom the Commission has construed to be a petitioner for intervention, is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2 p.m., July 17, 1974, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10 a.m., July 10, 1974.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

Colorado Public Interest Research Group be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN TARIFF)	DOCKET NO. 868
REVISIONS FILED BY PUBLIC SERVICE)	
COMPANY OF COLORADO UNDER ADVICE LETTER)	ORDER GRANTING
NO. 190- GAS AND UNDER ADVICE LETTER NO.)	LEAVE TO INTERVENE
643 - ELECTRIC.	

- - - - -
July 9, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 1, 1974, Colorado Public Interest Research Group addressed a letter to Commissioner Henry E. Zarlengo with respect to the within docket. A copy of said letter was sent to Chairman Edwin R. Lundborg and Commissioner Howard S. Bjelland. The Commission has elected to construe the aforesaid letter as a "Petition for Intervention" in the docket herein.

The Commission states and finds that Colorado Public Interest Research Group, whom the Commission has construed to be a petitioner for intervention, is a person 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.

By Decision No. 85241, the Commission has set the within matter for hearing at 10 a.m., July 17, 1974, at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10 a.m., July 10, 1974.

An appropriate order will be entered.

O R D E R

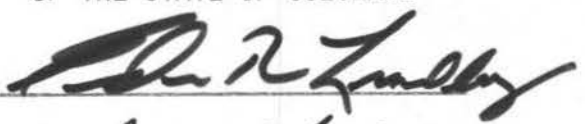
THE COMMISSION ORDERS THAT:

Colorado Public Interest Research Group be, and hereby is, granted leave to intervene in the above-entitled investigation and suspension docket.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: INCREASED RATES AND CHARGES FILED)	
BY COLORADO MOTOR TARIFF BUREAU, INC.,	)	INVESTIGATION AND SUSPENSION
AGENT, FOR WHITT TRANSFER & STORAGE CO.,	)	DOCKET NO. 874
(RESPONDENT), IN HOUSEHOLD GOODS TARIFF)	
NO. 1 AND INCREASED RATES AND CHARGES	)	ORDER SUSPENDING EFFECTIVE DATE
FOR RESPONDENT IN ITS LOCAL CARTAGE	)	OF TARIFF AND NOTICE OF HEARING
TARIFF NO. 1.)	

July 9, 1974

STATEMENT

BY THE COMMISSION:

On June 14, 1974, Colorado Motor Tariff Bureau, Inc., Agent (CMTB), filed 24th Revised Page No. 16 and 36th Revised Page No. 19 to its Local Household Goods Tariff No. 1, Colorado PUC No. 9, for and on behalf of Whitt Transfer and Storage Co., (Respondent), and Whitt Transfer and Storage Co. filed its Local Tariff No. 1, Colorado PUC No. 4, increasing rates and charges, to become effective on July 15, 1974.

FINDINGS OF FACT

The tariff filing on behalf of Whitt Transfer and Storage Co., on 24th Revised Page No. 16 and 36th Revised Page No. 19 to Colorado Motor Tariff Bureau Tariff No. 1, Colorado PUC No. 9, and the tariff filing by Whitt Transfer and Storage Co. of its Local Tariff No. 1, Colorado PUC No. 4, if permitted to become effective, would result in increases in rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of the tariff filing of 24th Revised Page No. 16 and 36th Revised Page No. 19 to Colorado Motor Tariff Bureau Local Household Goods Tariff No. 7, Colorado PUC No. 9, for and on behalf of Whitt Transfer and Storage Co. (Respondent) and Whitt Transfer and Storage Co., filing of its Local Tariff No. 1, Colorado PUC No. 4.

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

3. That neither the tariffs 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, CO 80216. The necessary suspension supplement to Colorado Motor Tariff Bureau Tariff No. 1 and Local Tariff No. 1 shall be issued, filed and posted to the respective tariffs referred to in the Statement and Order hereof.

5. That fifteen 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, and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 874 be, and the same is hereby, set for hearing before the Commission on:

Date: September 23, 1974

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published in Colorado Motor Tariff Bureau, Inc., Local Household Goods Tariff No. 1 and Local Tariff No. 1 for and on behalf of Respondent, Whitt Transfer and Storage Co., be, and the same hereby are, suspended for a period of 120 days to and including November 12, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF THE COUNTY OF WASHINGTON FOR	)	APPLICATION NO. 26990
AUTHORITY TO INSTALL SAFETY DEVICES)	
AT THE CROSSING AT A POINT WHERE THE	)	ORDER DENYING PETITION FOR
MAIN LINE OF THE BURLINGTON NORTHERN	)	RECONSIDERATION
RAILROAD CROSSES THE COUNTY ROAD)	
SOUTH OF PLATNER, COLORADO.)	

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 16, 1974, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 84841 in the above-captioned matter.

By Decision No. 85200 issued June 14, 1974, the Commission denied exceptions to said Recommended Decision filed May 15, 1974, by Burlington Northern Inc.

On June 3, 1974, Burlington Northern Inc., by its attorneys J. C. Street and W. L. Peck, filed with the Commission a Petition for Reconsideration of Decision No. 85200.

The Commission states and finds that insufficient grounds have been shown for granting the Petition.

An appropriate order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

The Petition for Reconsideration of Decision No. 85200 filed July 3, 1974, by Burlington Northern Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: GRAY MOVING AND STORAGE,)
INC., RESPONDENT, INCREASING)
RATES AND CHARGES ON HOUSEHOLD)
GOODS IN COLORADO MOTOR TARIFF)
BUREAU, INC., LOCAL HOUSEHOLD)
GOODS TARIFF NO. 2.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 875

ORDER SUSPENDING EFFECTIVE DATE
OF TARIFF AND NOTICE OF HEARING

July 9, 1974

STATEMENT

BY THE COMMISSION:

On June 14, 1974, Colorado Motor Tariff Bureau, Inc., (CMTB), filed certain revised pages bearing correction numbers 165 thru 172 to its Local Household Goods Tariff No. 2 increasing rates and charges for and on behalf of Gray Moving and Storage, Inc., (Respondent) to become effective on July 15, 1974.

FINDINGS OF FACT

The tariff filing of Gray Moving and Storage, Inc., in Colorado Motor Tariff Bureau Household Goods Tariff No. 2, if permitted to become effective, would result in increases in rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.

2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of the tariff filing of revised pages bearing correction numbers 165 thru 172 published in Local Household Goods Tariff No. 2 containing increased rates and charges by Colorado Motor Tariff Bureau for and on behalf of Respondent, Gray Moving and Storage, Inc.

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

3. That neither the tariff 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon J. R. Smith, Chief of Tariff Bureau, Colorado Motor Tariff Bureau, Inc., 4060 Elati Street, Denver, CO 80216. The necessary suspension supplement to Tariff No. 2 shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen days prior to the hearing date herein, Respondent, shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of its case, and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 875 be, and the same is hereby, set for hearing before the Commission on:

Date: September 30, 1974

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published revised pages bearing correction numbers 165 thru 172 to Colorado Motor Tariff Bureau Local Household Goods Tariff No. 2 for the account of Gray Moving and Storage, Inc., Respondent, be, and the same hereby are, suspended for a period of 120 days to and including November 12, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
REGGIE BROWN, DOING BUSINESS AS)	
"REGGIE'S HAULING," 7181 BRYANT	)	APPLICATION NO. 27650-PP
STREET, WESTMINSTER, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B"	)	ORDER OF THE COMMISSION
CONTRACT CARRIER BY MOTOR VEHICLE.)	

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

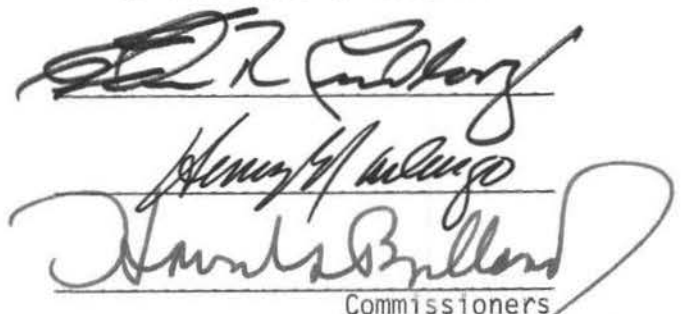
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85352
July 16, 1974

Reggie's Hauling

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
KENNETH H. BRUMFIELD, 1304 SOUTH
PARKER ROAD, DENVER, COLORADO, FOR
AUTHORITY TO OPERATE AS A CLASS "B"
CONTRACT CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27658-PP
)
) ORDER OF THE COMMISSION
)

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

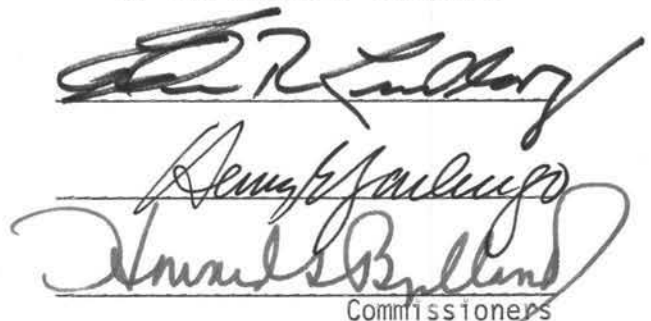
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85353
July 16, 1974

Kenneth H. Brumfield

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GARY DEE ROSSI, 5380 TENNYSON STREET,	)	APPLICATION NO. 27659-PP
DENVER, COLORADO, FOR AUTHORITY TO)	
OPERATE AS A CLASS "B" CONTRACT	)	ORDER OF THE COMMISSION
CARRIER BY MOTOR VEHICLE.)	

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

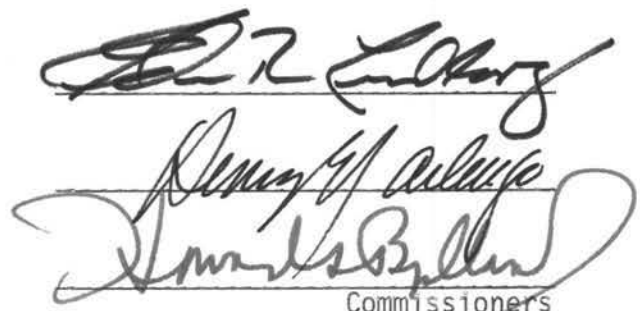
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85354
July 16, 1974

Gary Dee Rossi

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GORDON R. BUFORD AND LLOYD W. BUFORD,)
DOING BUSINESS AS "BUFORD CONST.,")
2975 A $\frac{1}{2}$ ROAD, GRAND JUNCTION, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS A)
CLASS "B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 27667-PP
ORDER OF THE COMMISSION

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

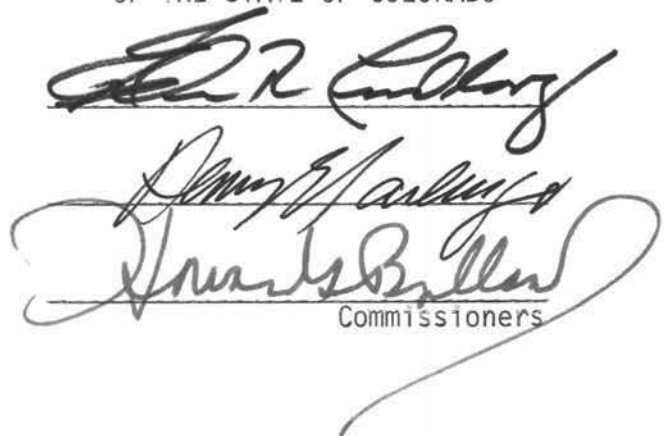
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85355
July 16, 1974

Buford Const.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 80 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANK DEAN, DOING BUSINESS AS "DEAN'S	)	APPLICATION NO. 27668-PP
EXCAVATING," 11117 ROUNDUP ROAD, RR 3,)	
PARKER, COLORADO, FOR AUTHORITY TO	)	ORDER OF THE COMMISSION
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

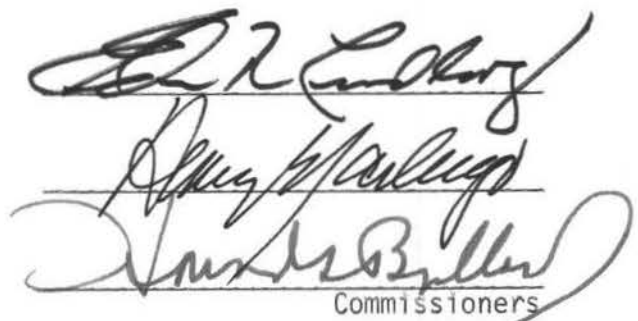
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85356
July 16, 1974

Dean's Excavating

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
MERLE TUCKSEN, DOING BUSINESS AS
"TUCKSEN AND SONS," GENERAL DELIVERY,
EAGLE, COLORADO, FOR AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27669-PP
)
) ORDER OF THE COMMISSION
)
)

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

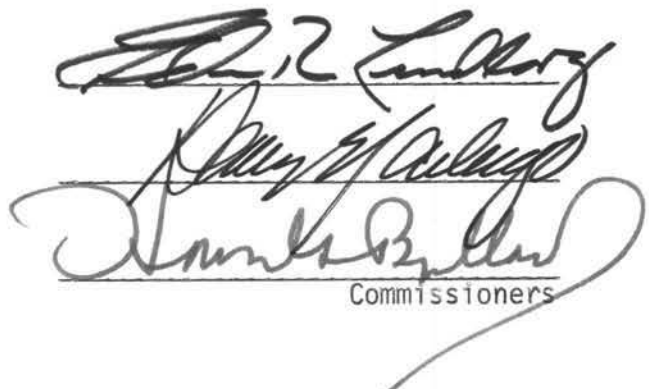
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85357
July 16, 1974

Tucksen and Sons

Transportation of

- (1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

- (2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 200 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
RUSSELL BROCK ALDER, 6110 MARSHALL
ST., ARVADA, COLORADO, FOR AUTHORITY
TO OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE.

)
) APPLICATION NO. 27672-PP
)
) ORDER OF THE COMMISSION
)

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

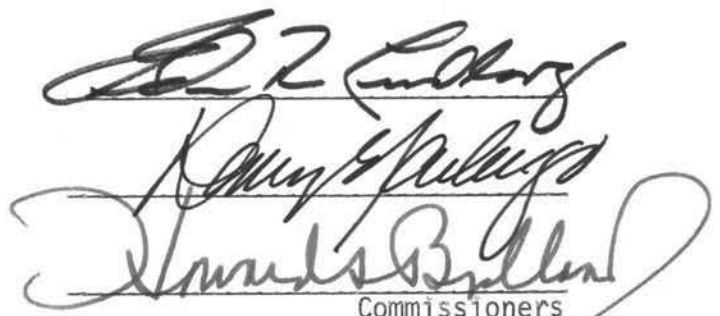
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85358
July 16, 1974

Russell Brock Alder

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 50 miles from the point(s) of origin.

(Decision No. 85359)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT G. THOMPSON, MT. MASSIVE STAR)
ROUTE, BOX 365, LEADVILLE, COLORADO,)
FOR EMERGENCY TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27697-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

July 16, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.


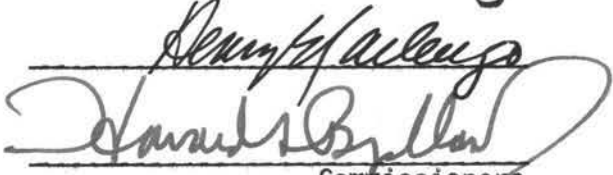
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a Contract Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Appendix
Decision No. 85359
July 16, 1974

Robert G. Thompson

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 60 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
THOMAS W. BEAL, BOX 14, KREMMLING,
COLORADO, FOR AUTHORITY TO OPERATE
AS A CLASS "B" CONTRACT CARRIER BY
MOTOR VEHICLE.

)
)
)
)
)

APPLICATION NO. 27674-PP
ORDER OF THE COMMISSION

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

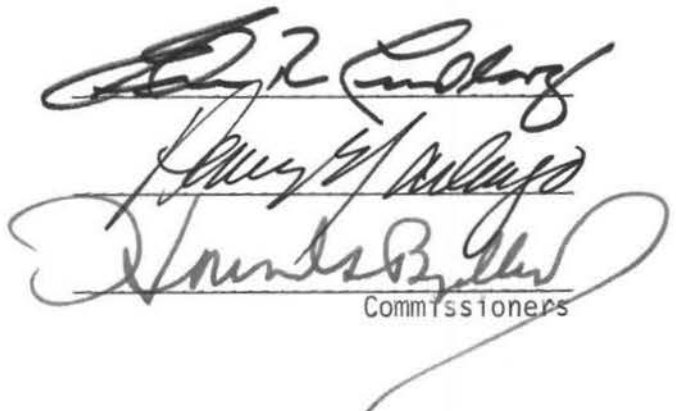
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85360
July 16, 1974

Thomas W. Beal

Transportation of

- (1) Logs, poles, and timber products

From forests to sawmills, places of storage and loading points within a designated radius as restricted below.

- (2) Rough lumber

From sawmills within a designated radius as restricted below to markets in the State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CUSTOM CONCRETE, INC., 259 SOUTH 13TH,
BRIGHTON, COLORADO, FOR AUTHORITY TO
OPERATE AS A CLASS "B" CONTRACT
CARRIER BY MOTOR VEHICLE. }

APPLICATION NO. 27679-PP
ORDER OF THE COMMISSION

July 16, 1974

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time period prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered.

WE FIND, That there is a present and special need for the transportation service as hereinafter ordered; and that it does not appear that the grant of authority as hereinafter ordered will impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

An appropriate Order will be entered.

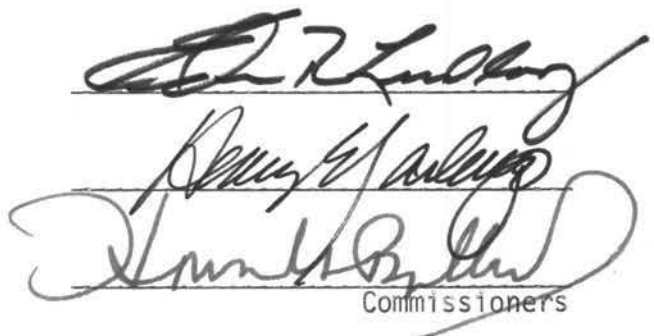
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Appendix
Decision No. 85361
July 16, 1974

Custom Concrete, Inc.

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 the designated radius as restricted below.

- (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 the designated radius as restricted below.

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

From and to building construction jobs, to and from points within the designated radius as restricted below.

- (4) Insulrock

From pits and supply points in the State of Colorado to roofing jobs within the designated radius as restricted below.

RESTRICTION: This Permit is restricted as follows:

- (a) Against the use of tank vehicles when transporting road-surfacing materials; and
- (b) Against the rendering of any transportation service beyond a radius of 100 miles from the point(s) of origin.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AIRWAY COMMUNICATIONS, 8345 WEST)
16TH AVENUE, LAKEWOOD, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO BEGIN TO OFFER,) APPLICATION NO. 25764
RENDER, FURNISH OR SUPPLY MOBILE)
RADIOTELEPHONE COMMON CARRIER SERVICE)
AND RADIO COMMON CARRIER PAGING)
SERVICE TO THE PUBLIC IN THE CITY AND)
COUNTY OF DENVER AND VICINITY.)

IN THE MATTER OF THE APPLICATION OF)
RADIO CONTACT CORPORATION, A COLORADO)
CORPORATION, 5702 WEST 26TH AVENUE,)
LAKEWOOD, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
TO BEGIN TO OFFER, RENDER, FURNISH) APPLICATION NO. 25855
OR SUPPLY INTERCONNECTED MOBILE)
RADIOTELEPHONE COMMON CARRIER SERVICE)
AND RADIO COMMON CARRIER PAGING)
SERVICE TO THE PUBLIC IN THE METROPOLI-)
TAN DENVER AREA, BOULDER AND VICINITY.)

- - - - -
July 9, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 12, 1974, Examiner Robert L. Pyle entered his Recommended Decision No. 85184 in the above-entitled matters.

On July 5, 1974, Protestant Mobile Radio Telephone Service, Inc., through its attorney Carl B. Hilliard, Jr., filed Exceptions to said Recommended Decision.

On July 8, 1974, Applicant Radio Contact Corporation filed a "Motion on Behalf of Applicant Radio Contact Corporation to Strike Exceptions Filed Untimely by Protestant Mobile Radio Telephone Service, Inc."

The Commission states and finds that Protestant's Exceptions were not timely filed in accordance with Rule 15 of the Rules of Practice and Procedure and 115-6-9(2), CRS 1963, as amended. It is noted that in the Exceptions filed by Protestant an erroneous reference is made to Decision No. "85185" which should read Decision No. "85184".

The Commission states and finds that Protestant did not file a request for an extension of time within which to file exceptions within twenty (20) days after the entry of the Recommended Decision. Accordingly,

Recommended Decision No. 85184 became the decision of the Commission by operation of law on July 2, 1974, and is now subject to the provisions of CRS 115-6-14.

The following Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Exceptions, late filed on July 5, 1974, by Protestant Mobile Radio Telephone Service, Inc., be, and the same hereby are, overruled and denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: APPLICATION BY WESTERN TRUNK)
LINE COMMITTEE FOR AUTHORITY TO)
AMEND COLORADO-UTAH-WYOMING AND)
WESTERN TRUNK LINE TARIFFS ON ONE)
DAY'S NOTICE.)

APPLICATION NO. 27694

July 9, 1974

STATEMENT

BY THE COMMISSION:

On July 3, 1974 application was filed by Western Trunk Line Committee, Agent for and on behalf of Rail Carriers operating within the State of Colorado for authority to amend items in the following tariffs: Colorado-Utah-Wyoming 3-E; Western Trunk Line 130-M, W-1000-A, 392-E, 432-F, 434-J, WRR-1-A and 335-K, on one day's notice. The effect of said publication would be to update the rates in the involved tariffs from the Ex Parte 262 level to the Ex Parte 295 level.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT:

1. That the Interstate Commerce Commission has authorized the updating of the interstate rates in the involved tariffs on less than statutory notice to become effective on July 13, 1974.
2. That authorization by the Colorado Public Utilities Commission for similar action on intrastate rates will eliminate confusion and be in the public interest.
3. That authority to make the changes on less than statutory notice will not result in increased rates, but will eliminate the necessity of reference to the Ex Parte 262 master tariff.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that authorization to make the tariff changes specified in the Statement herein on less than statutory notice will be in the public interest and should be allowed.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That the Western Trunk Line Committee, Agent for the Rail Carriers operating in Colorado, be and they are, hereby authorized to

amend items in Colorado-Utah-Wyoming Tariff 3-E and Western Trunk Line Tariffs 130-M, W-1000-A, 392-E, 432-F, 434-J, WRR-1-A and 335-K on one day's notice by updating the rates in the involved tariffs from the Ex Parte 262 level to the Ex Parte 295 level.

2. That this Order shall become effective forthwith.

~~DONE~~ IN OPEN MEETING this 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in dark ink, appearing to read "Ed R. Smith", written over a horizontal line.A handwritten signature in dark ink, appearing to read "Henry J. Salinger", written over a horizontal line.
Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF RATES & CHARGES)
CONTAINED IN COLORADO MOTOR TARIFF)
BUREAU, AGENT, COLORADO PUC NO. 1,)
TARIFF NO. 1, THIRD REVISED PAGE)
NO. 73, ITEM NO. 1400, ON BEHALF)
OF SUPERIOR SANITATION, INC.)

MISCELLANEOUS DOCKET NO. 250

ORDER REJECTING TARIFFS

July 9, 1974

STATEMENT

BY THE COMMISSION:

On June 14, 1974, Colorado Motor Tariff Bureau, Respondent's Agent, filed Colorado PUC No. 1, Tariff No. 1, Third Revised Page No. 73, Item No. 1400, to become effective July 15, 1974. The purpose of the filing was to increase rates of Respondent, Superior Sanitation, Inc. Respondent also filed a copy of a "Notice to Public of Tariff Revisions or Changes" which Respondent posted in an apparent attempt to comply with Rule 19-G of the Commission's Rules of Practice and Procedure, accompanied by a return by James Frank, Respondent's President.

On its own motion, the Commission has, in open meeting, examined the sufficiency of said notice.

FINDINGS OF FACT

1. Respondent's "Notice to Public of Tariff Revisions or Changes" fails to advise the public:
 - (a) That protests to the proposed changes may be filed with the Commission;
 - (b) Of the deadline for protests;
 - (c) Of the address of the Commission where protests may be filed;
 - (d) That the effective date of the proposed changes may be suspended by the Commission;
 - (e) That, if suspended, a hearing may be held thereon;
 - (f) That any affected party may request from the Commission a notice of hearing.

CONCLUSIONS ON FINDINGS OF FACT

1. Respondent's "Notice to the Public of Tariff Revisions or Changes" fails to comply with Rule 19-G of the Commission's Rules of

Practice and Procedure.

2. Pursuant to CRS 115-6-11(3), Respondent's tariff filing should be rejected as set forth in the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Colorado Motor Tariff Bureau, Agent, Colorado PUC No. 1, Tariff No. 1, Third Revised Page No. 73, Item No. 1400, be, and hereby is, rejected and void.

2. Any use of Colorado Motor Tariff Bureau, Agent, Colorado PUC No. 1, Tariff No. 1, Third Revised Page No. 73, Item No. 1400, by Respondent, Superior Sanitation, Inc., shall be unlawful.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: MOTOR VEHICLE OPERATIONS OF)
U.S. CARGO CORPORATION, CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3639, RESPONDENT.)

CASE NO. 5564

ORDER TO SHOW CAUSE
AND
NOTICE OF HEARING

SUPPLEMENTAL ORDER

July 9, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 2, 1974, the Commission entered its Decision No. 85326 in the above-captioned matter.

On page 2, appendix "A", Section II (1), the fifth heading titled "Monthly Undercharges," should be corrected to read "Monthly Overcharge." All other provisions of Decision No. 85326 shall remain in full force and effect.

An appropriate Order will be entered.

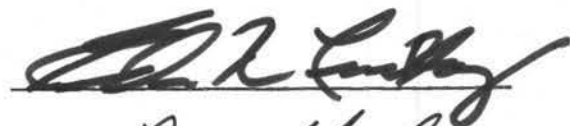
O R D E R

THE COMMISSION ORDERS THAT:

1. Page 2, appendix "A", Section II (1), the fifth heading be, and hereby is, corrected, nunc pro tunc, to read "Monthly Overcharge."
2. All other provisions of Decision No. 85326 shall remain in full force and effect.
3. This Order shall become effective forthwith.

DONE IN OPEN MEETING this 9th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HOWARD S. BJELLAND
ABSENT.

(Decision No. 85366)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF BILL'S RUBBISH REMOVAL, INC.,	)	APPLICATION NO. 27454-Extension-TA
6530 BRENTWOOD STREET, ARVADA,)	
COLORADO, FOR TEMPORARY AUTHORITY	)	ORDER DENYING TEMPORARY AUTHORITY
TO EXTEND OPERATIONS UNDER CERTIFI-)	
CATE OF PUBLIC CONVENIENCE AND)	
NECESSITY PUC NO. 4808.)	




July 16, 1974

The above-entitled application being under consideration, and
IT APPEARING, That there is no immediate or urgent need for the
relief herein sought.

IT IS ORDERED, That the application herein be, and is hereby,
denied.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TOMMIE LAROE DONAHOO AND EDWARD J.)
SMITH, 4735 SCENIC CIRCLE, COLORADO)
SPRINGS, COLORADO, FOR TEMPORARY)
APPROVAL TO CONDUCT OPERATIONS UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 166, PENDING DETER-)
MINATION TO LEASE SAID CERTIFICATE.)

APPLICATION NO. 27676-Lease-TA
ORDER GRANTING TEMPORARY APPROVAL

July 16, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

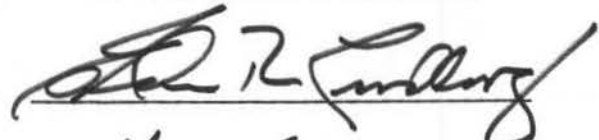
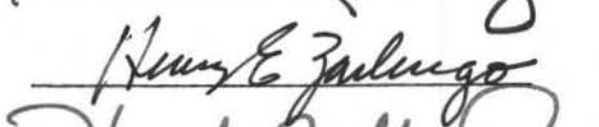
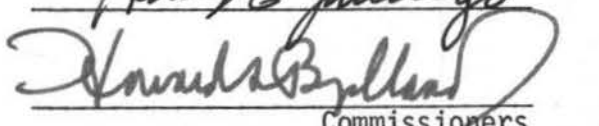
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Lessee be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Lessee shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 85368)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SECURITY GARBAGE COMPANY, INC., 2775)
WESTON ROAD, COLORADO SPRINGS, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 27678-PP-TA

ORDER GRANTING TEMPORARY AUTHORITY

July 16, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

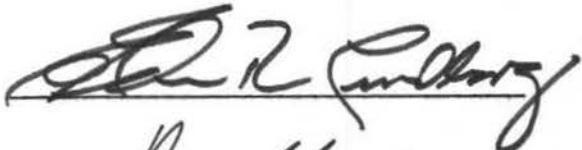
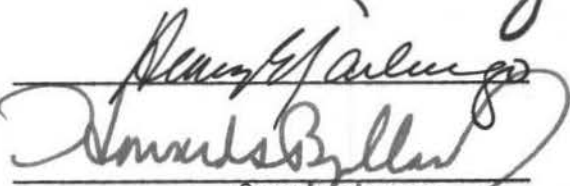
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

IT IS ORDERED, That Applicant(s) named in the caption above be granted temporary authority for a period of 180 days commencing as of the day and date hereof to engage in the business of transportation by motor vehicle to the extent and in the manner set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING THE 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Appendix
Decision No. 85368
July 16, 1974

Security Garbage Company, Inc.

Transportation of

Ashes, trash, and other refuse

From all points located in Teller County, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

RESTRICTION: This temporary authority is restricted to rendering transportation service for only United States Department of Agriculture, Forest Service.

(Decision No. 85369)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ABEYTA TRUCKING COMPANY, SAGUACHE,)
COLORADO, FOR TEMPORARY APPROVAL TO)
CONDUCT OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 1451 AND 1451-I, PENDING)
DETERMINATION OF THE APPLICATION TO)
ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 27680-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

July 16, 1974

The above-entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee(s) be granted temporary approval for a period of 180 days effective as of the day and date hereof, to engage in the business of transportation by motor vehicle to the extent of the authority granted by this Commission under the authority set forth in the caption above.

IT IS FURTHER ORDERED, That the Transferee(s) shall not commence operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE N. ABEYTA AND ORLANDO J. ABEYTA,)
DOING BUSINESS AS "ABEYTA TRUCKING,")
SAGUACHE, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND INTER-)
EST IN AND TO CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
8428 TO ABEYTA TRUCKING COMPANY, 1244)
DENVER AVENUE, SAGUACHE, COLORADO.)

APPLICATION NO. 27597-Transfer

ORDER OF THE COMMISSION

July 16, 1974

Appearances: George W. Woodard, Esq., Alamosa,
Colorado, for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Certificate of Public Convenience and Necessity PUC No. 8428 as granted by Commission Decision No. 79884 dated March 30, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing 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.

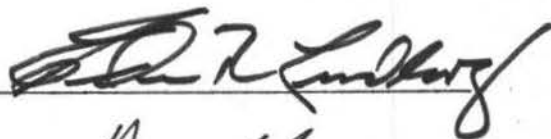
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

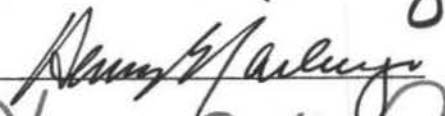
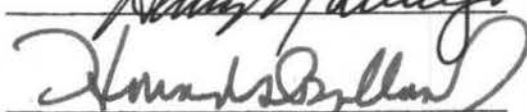
IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS LISTED)	
ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

July 17, 1974

Appearances: Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 24, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 8, 1974, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

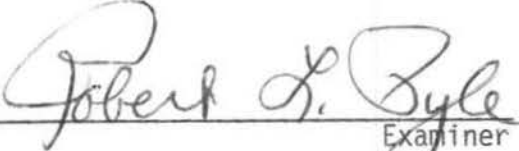
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 85371)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Longhorn Truck Line, Inc. P. O. Box 702 Fort Morgan, CO 80701	775 & I	1266-H-Ins.
National Aerospace Freight Lines, Inc. P. O. Box 822 Dover, DE 19901	2360-I	1267-H-Ins.
Ervin Reinert, dba Reinert Truck Line Rural Route #1 Lincoln, KS 67455	6750-I	1269-H-Ins.
Transport Service Co. 5100 West 41st Street Chicago, IL 60650	7750-I	1273-H-Ins.
Tri City Transit, Inc. 1920 Lincoln Way East Massillon, OH 44646	8175-I	1274-H-Ins.
Chemical Express Carriers of Okla., Inc. 1200 Simons Building Dallas, TX 75201	8263-I	1276-H-Ins.
Le Roy Cooper, Jr. 1835 16th Gering, NE 69341	8321-I	1278-H-Ins.
Getter Trucking Incorporated P. O. Box 368 Cut Bank, MT 59427	8344-I	1279-H-Ins.
Dana V. Rodenberg Box 64D Bogard, MO 64622	8549-I	1280-H-Ins.
Philip L. Sullivan, dba Cloud 9 Tours 125 North Mill, Box 344 Aspen, CO 81611	8576	1281-H-Ins.
Howard W. Eaton 4938 21st Road North Holiday Plaza West Palm Beach, FL 33401	8889-I	1282-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
O. L. Hardison, dba Hardison Livestock Hauling 112 Kell Boulevard Wichita Falls, TX 76301	8981-I	1283-H-Ins.
Roy O. Hines P. O. Box 404 Fort Morgan, CO 80701	9013-I	1284-H-Ins.
Gary W. Shane 2405 Santa Fe La Junta, CO 81050	9077-I	1285-H-Ins.
Ronald Dean Dalrymple, dba Double D Company 3035 11th Avenue Evans, CO 80620	9394-I	1288-H-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Carlos Gonzales 3240 West Mexico Avenue Denver, CO 80219	B-3713	1290-H-Ins.
Richard T. Patterson 883 West 100th Place Northglenn, CO 80221	B-5555	1291-H-Ins.
Robert H. Wallace 1923 Downing Colorado Springs, CO 80909	B-7398	1294-H-Ins.
Eugene J. Fish 10020 West 8th Place Lakewood, CO 80215	B-7525	1295-H-Ins.
J. D. Drewes & C. S. Cogburn Route 1, Box 118 Platteville, CO 80651	B-7736	1297-H-Ins.
Eulalio Ed Vigil 4700 Leaf Court Denver, CO 80216	B-7755	1298-H-Ins.
Robert D. Quinby 219 Park Street Fort Collins, CO 80521	B-8102	1301-H-Ins.
Robert Lee Witherell, dba B & B Logging P. O. Box 1012 Craig, CO 81625	B-8142	1302-H-Ins.
Delbert Gooden, dba Gooden Trucking Co. 7490 East 80th Avenue Commerce City, CO 80022	B-8171	1303-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

NAME AND ADDRESSPERMIT NO.CASE NO.

Elmer A. Ward
424 Mount View Lane
Fountain, CO 80817

B-8224

1304-H-Ins.

Dennis Stapelman, dba
D & L Trucking
515 Perry Street, Box 797
Castle Rock, CO 80104

B-8262

1305-H-Ins.

NAME AND ADDRESSPUC NO.CASE NO.

C. W. Englund, dba
C. W. Englund Co.
740 Old Stage Road
Salinas, CA 93901

6442-I

1308-H-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMERCIAL AND TOWING CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

- - - - -
July 17, 1974
- - - - -

Appearances: Dalton O. Ford, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by an Order to Show Cause and Notice of Hearing duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on June 24, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 8, 1974, at 10 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose a currently effective Certificate of Insurance as to each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission, and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

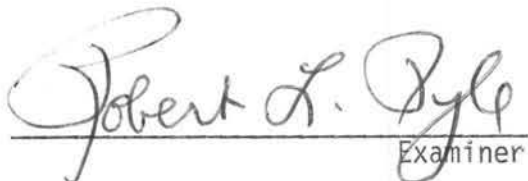
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to any such Respondent who files the required Certificate of Insurance prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 85372)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Edward H. Williams, dba Ed's Trucking 522 West Yampa Colorado Springs, CO 80905	M-139	1742-M-Ins.
Richard T. Patterson 883 West 100th Place Northglenn, CO 80221	M-223	1743-M-Ins.
Butler Paper Co. P. O. Box 5248 Terminal Annex Denver, CO 80217	M-454	1744-M-Ins.
Norwood Garrett, dba Garrett Glass Co. 417 West Broadway Farmington, NM 87401	M-724	1745-M-Ins.
Lee Montoya, dba Lee's Auto Service 105 North 10th Avenue Brighton, CO 80601	M-636	1746-M-Ins.
Joe Dardano, dba Aurora Ranch Market 11151 East Colfax Avenue Aurora, CO 80010	M-1038	1748-M-Ins.
N. R. Wyble 1610 South El Paso Colorado Springs, CO 80906	M-1206	1749-M-Ins.
Robert S. Tanner, dba Tanner Trucking Co. Box 476 Oxford, NE 68967	M-1599	1751-M-Ins.
Donald Earl Welch, dba Frontier Homes 912 West Gunnison Avenue Gunnison, CO 81230	M-1746	1752-M-Ins.
R. G. Lemmond Box 1115 Boise City, OK 73933	M-1766	1753-M-Ins.
T P I Corporation 135 Wesley Street Johnson City, TN 37601	M-2758	1755-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Longhorn Truck Line, Inc. Box 702 Fort Morgan, CO 80701	M-3289	1756-M-Ins.
Empire Builders Supply Co. P. O. Box 5134 Santa Fe, NM 87501	M-3735	1757-M-Ins.
Harold A. Woodward, Jr., dba Woodward Construction Co. Route 1, Box 31-A Littleton, CO 80120	M-3929	1758-M-Ins.
Butler Paper Co. 215 West Second Pueblo, CO 81002	M-3942	1759-M-Ins.
Robert Lee Witherell, dba B and B Logging General Delivery Craig, CO 81625	M-4183	1760-M-Ins.
Delbert Gooden, dba Gooden Trucking Co. 7490 East 80th Avenue Commerce City, CO 80022	M-4191	1761-M-Ins.
Sterling Fiberglass 1005 West Main Sterling, CO 80751	M-4530	1762-M-Ins.
Glenn E. Randall and Paul Otten, dba Randalls Excavating Box 304-B, Route 3 Longmont, CO 80501	M-5053	1763-M-Ins.
Bruce Usrey, dba Usrey Leasing and Transportation P. O. Box 35267 Dallas, TX 75267	M-5122	1764-M-Ins.
Sachs Quality Furniture, Inc. 7221 West Colfax Avenue Denver, CO 80215	M-6054	1765-M-Ins.
Irrigation Motor and Pump Co., Inc. Box 234 Longmont, CO 80501	M-6598	1766-M-Ins.
Richard Hooker 920 Cherokee Fort Morgan, CO 80701	M-7715	1769-M-Ins.
Joe L. Bustamante, dba Bustamante Wood Products 7973 Diagonal Highway Longmont, CO 80501	M-8233	1770-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Larry G., C. H. and Mackie R. Kincaid, dba M and L Firewood 3017 North El Paso Colorado Springs, CO 80907	M-8761	1771-M-Ins.
Dale Seeger 1101 Elm Place Thornton, CO 80229	M-9191	1772-M-Ins.
Wilson Refrigeration Co., Inc. Box 1221 Laramie, WY 82070	M-9214	1773-M-Ins.
James A. Fisher P. O. Box 576 Dove Creek, CO 81324	M-10534	1774-M-Ins.
Chickasha Mattress and Furniture Chickasha, OK 73018	M-10669	1775-M-Ins.
Federal Envelope Co., Inc. Box 16026 Denver, CO 80201	M-10965	1777-M-Ins.
Roy O. Hines P. O. Box 404 Fort Morgan, CO 80701	M-11822	1778-M-Ins.
Jim Martin, dba Fremont Auto Salvage 1 1/2 Miles on South Temple Canyon Road Canon City, CO 81212	M-12468	1779-M-Ins.
Pleasure Time Industries, Inc. P. O. Box 428 South Haven, MI 49090	M-12901	1780-M-Ins.
Neco, Inc. Box 1178 Cahone, CO 81320	M-13213	1782-M-Ins.
Ray Boyd, Jr., and Ray Boyd, Sr., dba Rays Service Center 1166 Webster Avenue Burlington, CO 80807	M-14115	1783-M-Ins.
Jesse L. Cady Route 3, Box 178 Durango, CO 81301	M-14266	1784-M-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Dave Force, Jr., dba Westside Rebuilders R. R. Box 282 Glenwood Springs, CO 81601	M-14354	1785-M-Ins.
J. D. House and Robert F. Fraley, dba L and M Glass Co. 4417 Tejon Street Denver, CO 80211	M-14575	1786-M-Ins.
Ronald Dean Dalrymple, dba Double D. Company 3035 11th Avenue Evans, CO 80620	M-14663	1787-M-Ins.
Larry D. and Sharon L. Clemmons, dba Tip Top Service and Equipment Box 0 Flagler, CO 80815	M-14678	1788-M-Ins.
Charles B. Houser and Sue W. Houser, dba Valley Oxygen Co. P. O. Box 660 Alamosa, CO 81101	M-15088	1789-M-Ins.
Gil's Drilling and Excavating, Inc. 2245 West Shangri La Phoenix, AZ 85029	M-15397	1792-M-Ins.
Gary W. Shane 2405 Santa Fe La Junta, CO 81050	M-15652	1793-M-Ins.
Tim J. Rockwell, dba Tim's Propane Service Box 714 Cheyenne Wells, CO 80810	M-15864	1794-M-Ins.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Ralph's La Junta Ford Sales, Inc. Highway 50 La Junta, CO 81050	T-126	206-T-Ins.
Eugene E. Hellem, dba Hellem's Skelly Service 2403 North Union Boulevard Colorado Springs, CO 80909	T-364	208-T-Ins.
Paul Morse, dba Star Towing 937 Clarkson, # 101 Denver, CO 80218	T-645	209-T-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

<u>NAME AND ADDRESS</u>	<u>PERMIT NO.</u>	<u>CASE NO.</u>
Ruby M. Myers, dba A-1 Towing 11025 West Exposition Avenue Lakewood, CO 80226	T-693	210-T-Ins.
Charles Richard Newcomb, dba Newcomb Towing South Nevada Exxon Towing Service 503 South Nevada Avenue Colorado Springs, CO 80902	T-737	211-T-Ins.
James A. and Leta Pachelli, dba Tony's Chevron 309 Nevada Trinidad, CO 81082	T-890	212-T-Ins.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE
TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

(Decision No. 85373)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND REGULATIONS)
GOVERNING COMMON CARRIERS BY MOTOR }
VEHICLE. }

CASE NO. 5544

- - - - -
July 16, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 17, 1974, Examiner Robert L. Pyle entered his Recommended Decision No. 85215 in the above-captioned matter.

On July 2, 1974, the Commission by Decision No. 85315 stayed said Recommended Decision, on its own motion, and concluded that it should reconsider the matter herein.

The Commission, on its own motion, has now reconsidered the matter and states and finds that the examiner's findings of fact should be adopted as its own. However, the Commission states and finds that certain changes should be made in the Rules and Regulations Governing Common Carriers by Motor Vehicle, as set forth in the attached document to the recommended decision; and that certain minor stylistic changes in the conclusions on findings of fact and the order should also be made.

In view of the foregoing the changes made by the Commission are as follows:

Paragraph 1. in the conclusions on findings of fact
should be amended to read as follows:

"1. The proposed rules as set forth in
'Appendix I,' should be adopted."

Paragraph 1. of the order should be amended to read as follows:

"The rules as fully set forth in 'Appendix I' incorporated herein and made a part hereof by reference be, and hereby are, adopted as the Rules and Regulations Governing Common Carriers by Motor Vehicle."

Rule 2(d)(5) should be deleted.

Rule 3(b) should be changed to read as follows:

"No common carrier may combine the authority granted in another certificate to render a combination transportation service not authorized by either individual certificate, unless so authorized by the Commission."

Rule 3(c) should be deleted.

The "(a)" placed at the beginning of Rule 5 should be deleted.

Rule 6(b) should be changed to read:

"Emergency vehicles and vehicles leased for less than sixty (60) days may be placarded."

Rule 16 should be changed to read:

"Posting of Tariffs and Time Schedules

A copy of each tariff and time schedule shall be open to inspection by the public at all reasonable times at each office or terminal of the carrier at which business is transacted with the public, and must also be posted for information of the public in each waiting room at stations where passenger tickets are sold."

The Commission states and concludes that the examiner's findings of fact, and the conclusions in Recommended Decision No. 85215, as amended herein, should be adopted as its own and the following Order should be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. The findings of fact of Examiner Robert L. Pyle in Recommended Decision No. 85215, be, and hereby are, adopted by the Commission.

2. The conclusions on findings of fact of Examiner Robert L. Pyle in Recommended Decision No. 85215, as amended and modified, be, and hereby are, adopted by the Commission.

3. The rules as fully set forth in Appendix I to this decision, to which reference is made and which is incorporated herein by reference, be, and hereby are, adopted as the Rules and Regulations Governing Common Carriers by Motor Vehicle.

4. The Secretary of the Commission be, and hereby is, directed to file with the Office of the Secretary of State of the State of Colorado a copy of the Rules and Regulations Governing Common Carriers by Motor Vehicle as set forth in Appendix I hereto, and when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the same.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
did

Rules and Regulations
Governing Common Carriers
By Motor Vehicle

RULE 1

Application of Rules

(a) These rules apply to all common carriers by motor vehicle ("Motor Vehicle Carriers"), as defined by 115-9-1(4), hereinafter referred to in these rules as common carrier. All such carriers shall at all times comply with these rules and all applicable statutes and laws of the State of Colorado.

(b) Nothing in these rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements, in any certificate of public convenience and necessity heretofore or hereafter issued to any common carrier.

(c) In addition to these rules, common carriers, should refer to and must abide by the Commission's Rules of Practice and Procedure with respect to rates, tariffs, filings, annual reports, procedure, and other matters common to all carriers, as well as specific rules relating to particular subjects or to specific types of transportation.

RULE 2

Transfer, Consolidation, Merger, and Acquisition of Control

(a) No common carrier shall sell, lease, assign, mortgage, transfer or create a security interest by act or deed or by operation of law, or otherwise dispose of or encumber its certificate, or any right or interest thereunder, by any means whatsoever, directly or indirectly, or merge or consolidate its certificate, or any part thereof, with any other motor vehicle carrier or to anyone not a motor vehicle carrier, without first having received from the Commission an Order authorizing it so to do. Every such sale, lease, assignment, mortgage, encumbrance, transfer, merger, consolidation, security interest, or other disposition, made without the prior authorization of the Commission shall be void.

(b) Whenever any such certificate of public convenience and necessity, or rights obtained thereunder, are owned or held by a corporation, there shall not be any sale, lease, assignment, mortgage, security interest, or transfer of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the certificate held by it, without first having been authorized to transfer said control by the Commission. Every assignment or transfer of control, or agreement for assignment or transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall be void and of no effect.

For the purpose of this rule, control of the certificate owned by said corporation shall be judged on the merits of each individual case, to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the certificate by the corporation was previously approved by this Commission.

(c) A transfer of a certificate of public convenience and necessity by means of foreclosure of a mortgage, deed of trust or other lien or encumbrance upon such certificate of public convenience and necessity, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without the approval of the Commission.

(d) An application for transfer shall be made in duplicate and shall contain all information concerning the transferee or transferees now or hereafter required in an original application. Applicants for a transfer of operating rights must further establish that:

(1) The transferee intends to, and will engage in, bona fide common carrier operations under such operating rights;

(2) The transferor has been, and now is engaged in, bona fide common carrier operations under such operating rights, except as such operating rights may have been suspended by the Commission; and further, that said operating rights or any part thereof have not been abandoned or allowed to become dormant;

(3) All the rights held under each certificate are sought to be transferred, or that a split of such operating rights is in the public interest;

(4) The transfer will not result in the common control or ownership of duplicating or overlapping operating rights unless it be agreed by the parties that the Commission may cancel any such duplicating or overlapping operating rights unless the Commission finds that such duplication or overlap is in the public interest or is immaterial.

(e) The transferor must not cancel his insurance, surety bond, or tariffs on file with the Commission until the Commission has approved the transfer, and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written acceptance with the Commission, accepting the terms and conditions of the Order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the certificate. The acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease or other transfer.

RULE 3

Extension of Certificate Prohibited

(a) No common carrier shall extend, or in any manner enlarge, diminish, change, alter, or vary the route or routes, or the service authorized by its certificate, or serve any point or intermediate point or transport any commodities not included therein, unless and until such common carrier has made application to the Commission, and the Commission has authorized the same.

(b) No common carrier may combine the authority granted in one certificate with the authority granted in another certificate to render a combination transportation service not authorized by either individual certificate, unless so authorized by the Commission.

RULE 4

Suspension, Revocation, or Alteration of Certificate

(a) A certificate may, at any time, be revoked, suspended, altered, or amended by the Commission, after a hearing, upon at least ten (10) days' notice to the common carrier affected, for any of the following reasons:

1. Violation of or failure to comply with any statutory enactment concerning common carriers by motor vehicle.
2. Violation of or failure to comply with the terms and conditions of his or its certificate.
3. Exceeding the authority granted in his or its certificate.
4. Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.

(b) Voluntary suspensions may be granted without hearing by the Commission on application, upon such terms and conditions as the Commission may deem proper.

RULE 5

Abandonment or Discontinuance of Operation

No common carrier having received from the Commission a certificate of public convenience and necessity shall abandon or discontinue operations thereunder without first making application, in writing, to the Commission, submitting evidence giving reasons for the abandonment or discontinuance, and securing an Order permitting such abandonment or discontinuance and revoking and cancelling said certificate. Applications for abandonment or discontinuance may or may not be set for hearing, depending upon the protests received and the circumstances involved in the abandonment or discontinuance of the operation.

RULE 6

External Identification of Vehicles

(a) Each common carrier shall cause to be marked on each side of its self-propelled motor vehicles used in its operations, in letters not less than two and one-half inches in height, the following:

APPENDIX I
Decision No. 85373

1. Name and address of carrier as set out in the certificate.
2. Colo. P.U.C. No. - - - - -

(b) Emergency vehicles and vehicles leased for less than sixty (60) days may be placarded.

(c) Motor vehicles used in the transportation of passengers only, except passenger buses having a seating capacity of ten or more, may, in lieu of the above requirements, be identified by marking in accordance with (a)(2) only, or by securely attaching both in front and rear of each motor vehicle in such a manner as to be conspicuously displayed at all times, a metal plate carrying certificate number as per specifications shown below and reading as follows:

C	
O	PUC NO. _____
L	
O	

Specifications: Background and letters in contrasting colors.

"COLO." reading down left-hand side, in letters 3/4ths of an inch in height.

"PUC NO. _____" in letters two and one-half inches in height.

(d) All markings shall be completely removed from all vehicles when permanently withdrawn from service under the certificate.

RULE 7

Equipment

All common carriers shall either own the motor vehicles operated under their certificate (proprietary control being deemed ownership) or lease such equipment, in accordance with these rules.

RULE 8

Letters of Authority

No motor vehicle shall be operated upon the public highways of this state by any common carrier in intrastate commerce, unless and until said carrier has obtained and placed within said vehicle a letter of authority, stating the operating authority issued to said carrier by the Commission. Said letter of authority shall be obtained from the Commission upon the request by the carrier in such quantity as the carrier may need or require.

RULE 9

Leasing of Equipment

No common carrier shall lease or rent equipment to be used under its certificate except in accordance with these Rules. Leases shall be filed in the form attached hereto as "Appendix A".

(a) No lease of equipment shall be executed for any period less than one (1) month, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.

(b) All leases shall be in writing, signed by the parties thereto and not effective until filed with the Commission. Said leases shall specify the period of time for which they are to be in effect, and shall specify the consideration to be paid by the lessee, and during the entire period of such lease, a signed and approved copy thereof shall be carried in each motor vehicle covered thereby. During the existence of the lease, the lessee shall have full discretion and complete control of said motor vehicle(s), and will be fully responsible for the operation thereof, in accordance with applicable law and regulations, as if lessee were the owner of such vehicle(s), including the requirements, as to safety of equipment and inspection thereof, and insurance coverage.

(c) The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

(d) No common carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof, to any person, firm, or corporation not a carrier by motor vehicle for hire.

RULE 10

Emergency Equipment -- Emergency Letters

(a) Whenever any common carrier, in cases of emergency or unusual demand for transportation, must use equipment not owned by or under lease to him, the carrier may engage such other equipment as is necessary to meet the emergency or unusual demand. The carrier shall, before the emergency equipment is placed in operation, issue an Emergency Letter in the form attached hereto as "Appendix A-1," and place one copy of the letter upon the emergency vehicles; one copy shall be filed with the Commission within three (3) days after the issuance thereof, and one copy shall be retained by the carrier. The Emergency Letter required herein shall not be for a period of more than ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Certificate number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Nature of Emergency.
6. Origin and destination of vehicle movement.
7. Period the emergency vehicle is to operate.

(b) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules, provided however, that the compensation for the use of emergency equipment shall not be computed on the basis of a percentage of the revenue developed by the vehicle.

(c) Where freight is carried in a trailer or semi-trailer which is turned over to a connecting carrier and a "Receipt and Inspection Report" is executed and carried on the trailer or semi-trailer as required by the Rules and Regulations of the Interstate Commerce Commission, it shall not be necessary to execute an "Emergency Letter" as provided in subsection (a) above.

RULE 11

Evidence of Public Liability, Property Damage Insurance, and Cargo Insurance

(a) Every common carrier shall obtain and keep in force at all times Public Liability and Property Damage Insurance or a surety bond providing similar coverage issued by some insurance company or surety company authorized to do business in the State of Colorado, which shall not be less than the minimum limits as set forth in this Rule, with such schedules and endorsements as set forth in "Appendix B", covering all vehicles which may be operated by or for, or which may be under the control of, the carrier, such coverage to be accomplished by a so-called "Waiver of Description" endorsement on each policy.

As evidence of such insurance, there shall be filed with the Commission a certificate of insurance executed by a duly authorized agent of the insurer, in lieu of the original policy. The original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

All insurance coverage must be filed with the exact same name, initials, corporate name, or trade name and address as listed in the application or records of the Commission. Any subsequent name changes or policy number changes shall be reflected on the certificate by the filing of an endorsement.

(b) The minimum amounts referred to in this Rule are as follows:

APPENDIX I
Decision No. 85373

(1)	(2)	(3)	(4)
Kind of equipment	Limit for bodily injuries to or death of one person.	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$25,000 for bodily injuries to or death of one person).	Limit for loss or damage in any one accident to property of others (excluding cargo).
Passenger equipment (seating capacity):			
7 passengers or less	\$25,000	\$100,000	\$10,000
8 to 12 passengers, incl.	25,000	150,000	10,000
13 to 20 passengers, incl.	25,000	200,000	10,000
21 to 30 passengers, incl.	25,000	250,000	10,000
31 passengers or more	25,000	300,000	10,000
Freight equipment:			
All motor vehicles used in the transportation of property	\$25,000	\$100,000	\$10,000

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(c) Cargo coverage shall be in no less amount than \$2,500 per unit; provided that no cargo carrier shall in any event accept or transport any single shipment unless the determined value of the shipment is covered by trip insurance or other cargo insurance.

(d) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect, unless and until cancelled by thirty (30) days' written notice, which time shall run from the date the notice is received by the Commission, and the certificate shall contain a statement to this effect.

(e) For the purposes of this rule, forms determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202(b)(2), of the Interstate Commerce Act (49 U.S.C., Section 302(b)(2)), shall be used.

RULE 12

C.O.D. Shipments

(a) No common carrier shall accept any C.O.D. shipments or otherwise collect money from any consignee to be paid to any consignor, or render any C.O.D. service, unless such carrier has published, posted, and filed with this Commission tariffs which contain rates, charges, and rules governing such service (which rules shall conform to this rule).

(b) Every common carrier subject to this rule shall remit each C.O.D. collection directly to the consignor (or other person designated by the consignor as payee) promptly and at least within ten (10) days after delivery of the C.O.D. shipment to the consignee. If the C.O.D. shipment moved in interline service, the delivering carrier shall, at the time of remittance of the C.O.D. collection to the consignor or payee, notify the originating carrier of such remittance.

(c) No C.O.D. shipment shall be delivered by any carrier unless the consignee shall pay the full amount of the charges due thereon, and delivery of C.O.D. merchandise shall constitute prima facie evidence that payment has been received by the carrier.

(d) Every common carrier subject to this rule handling C.O.D. shipments as a delivering carrier, shall maintain a record of all C.O.D. shipments received from delivery in such manner and form as will plainly and readily show the following information with respect to each shipment:

1. Number and date of freight bill.
2. Name and address of shipper or other person designated as payee.
3. Name and address of consignee.
4. Date shipment delivered.
5. Amount of C.O.D.
6. Date collected by delivering carrier.
7. Date remitted to payee, and
8. Check number or other identification of remittance to payee.

RULE 13

Bills of Lading

(a) Every common carrier, unless heretofore or hereafter exempted by the Commission, shall issue, at time of accepting a shipment, a bill of lading covering each shipment.

(b) All bills of lading used shall be in the form of the uniform straight bill of lading or the uniform order bill of lading.

(c) Copies of all bills of lading shall be retained by the carrier for a period of at least two years.

(d) The provisions of this rule shall not apply to the transportation of ash, trash and other refuse.

RULE 14

Classification of Freight

(a) All common carriers participating in Bureau Tariffs containing a class rate section, and carriers which issue individual tariffs containing class rate sections shall be required to be participating carriers in the freight classification prescribed by the Commission.

(b) Classification. All specific commodity items shall bear a description closely related to the classification as provided in the National Motor Freight Traffic Association, Inc., Agent, 1616 P Street, N.W., Washington, D.C. 20036. Also, where applicable, reference shall be made to Department of Transportation Regulations Governing the Transportation of Hazardous Material issued by American Trucking Association, Inc., Agent, 1616 P Street, N.W., Washington, D.C. 20036.

RULE 15

Filing of Time Schedules

(a) All scheduled common carriers shall file with the Commission a time schedule showing routes, terminal locations (passenger terminal locations may be designated by city or town), and the approximate arrival and departure time of schedules (passenger carriers must show exact times) from the terminal locations. The time schedule shall also indicate the number of days per week that service is offered at any point on the carrier's route.

(b) Time schedules as filed with the Commission must be adhered to. Scheduled common carriers desiring to change time schedules shall follow the procedure set forth in Rule Nineteen (19) of the Rules of Practice and Procedure.

RULE 16

Posting of Tariffs and Time Schedules

A copy of each tariff and time schedule shall be open to inspection by the public at all reasonable times at each office or terminal of the carrier at which business is transacted with the public, and must also be posted for information of the public in each waiting room at stations where passenger tickets are sold.

RULE 17

Payment of Rates and Charges of
Common Carriers - Credit Arrangements

(a) Except as otherwise provided herein, or unless specific exemption has been heretofore or hereafter granted by the Commission, all transportation and other lawful charges shall be payable before surrender of the property to the consignee or owner thereof, or, in the event of prepaid shipments, before the shipment will be forwarded to destination from point of origin.

Where proper and satisfactory credit arrangements have been made to assure payment of the tariff charges within the credit period herein specified, motor vehicle common carriers may relinquish possession of freight in advance of the payment of the tariff charges thereon and may extend credit in the amount of such charges to those who undertake to pay them, such persons being called shippers, for a period of seven (7) days excluding Sundays and legal holidays other than Saturday half-holidays. When the freight bill covering a shipment is presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following delivery of the freight.

When the freight bill is not presented to the shipper on or before the date of delivery, the credit period shall run from the first 12 o'clock midnight following the presentation of the freight bill.

Where a motor vehicle common carrier has relinquished possession of freight and collected the amount of tariff charges presented by it as the total amount of such charges, and another freight bill for additional freight charges is thereafter presented to the shipper, the carrier may extend credit in the amount of such additional charges for a period of thirty (30) calendar days, to be computed from the first 12 o'clock midnight following the presentation of the subsequently presented freight bill.

Freight bills for all transportation charges shall be presented to the shippers within seven (7) calendar days from the first 12 o'clock midnight following delivery of the freight.

Where the United States mails are used as a means of the presentation of freight bills, the time of mailing by the carrier shall be deemed to be the time of presentation of the bills. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

The mailing by the shipper of valid checks, drafts, or money orders, which are satisfactory to the carrier, in payment of freight charges, within the credit period allowed such shipper, may be deemed to be the collection of the tariff rates and charges within the credit period for the purpose of these Rules. In case of dispute as to the time of mailing, the postmark shall be accepted as showing such time.

(b) The provisions of this rule shall not apply to the transportation of ash, trash and other refuse.

RULE 18

Rule Exemption

In case of hardship, a common carrier may file written application for relief, stating therein the grounds for relief, and the Commission, after hearing, if satisfied, may suspend such rule(s) or regulations(s) affecting such carrier as it deems just.

APPENDIX A

LEASE OF MOTOR VEHICLE EQUIPMENT

(Must be filed in triplicate)

THIS AGREEMENT, Made this _____ of _____ 19____
day month

between _____
Name

of _____
Street

_____ City _____ State _____ Zip Code

hereinafter called Lessor or Truck Owner and _____
Name

of _____
Street City State Zip Code

hereinafter called Lessee, Business Owner, or Manager.

WITNESSETH, THAT WHEREAS, Lessor is the owner of certain motor vehicle equipment which is particularly described as follows:

	Make	Year	License No.	State	Motor No.
Tractor or Truck					
Trailer					

Insured by _____
(In amounts of not less than \$25,000 and \$100,000 Public Liability and \$10,000 Property Damage, as required by Law.)

THAT WHEREAS, Lessee is transporting (freight) (own merchandise) over the public highways of the State of Colorado under the following operating authority as issued by The Public Utilities Commission of the State of Colorado; Certificate No. _____; Permit No. _____; and

THAT WHEREAS, Lessor desires to lease the above-described motor vehicle equipment to Lessee, and Lessee desires to consummate such lease;

NOW THEREFORE, IT IS HEREBY MUTUALLY AGREED between the parties hereto that for the consideration, as stated below, Lessor does hereby lease unto Lessee for the time period of _____ (not less than one month) from the date first above written, the motor vehicle equipment above described subject to the following conditions:

APPENDIX I
Decision No. 85373

1. That during the existence of this lease the motor vehicle equipment above described shall be under the complete control of the Lessee.

2. That as consideration, Lessee agrees to pay Lessor for the use of said equipment the following: _____

(A consideration of \$1.00 and other valuable considerations not sufficient to cover lease. So much per day, week, month, period of lease, or so much per rolling mile is acceptable.)

3. That said lease may be cancelled by either of the parties hereto upon fifteen (15) days' written notice of cancellation served upon the other party and The Public Utilities Commission of the State of Colorado.

IN WITNESS WHEREOF, The parties have hereunder set their hands this day and year first above written.

Lessor

Lessee

A COPY OF THE SIGNED AND APPROVED LEASE MUST (1) BE PLACED ON THE LEASED VEHICLE (2) BE ON FILE IN THE OFFICE OF THE LESSEE AND (3) BE ON FILE WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, 500 COLUMBINE BUILDING, DENVER, COLORADO 80203.

APPENDIX A-1

EMERGENCY EQUIPMENT - EMERGENCY LETTER

PUC AUTHORITY NO. _____

Under the rules and regulations of The Colorado Public Utilities Commission of the State of Colorado governing emergency motor vehicle equipment,

(Name of Certificate or Permit Holder)

(Street) (City) (State) (Zip Code)

is operating the following-described equipment under the above-stated PUC authority number:

(Make of Vehicle) (Motor Number) (State) (License Number)

(Owner's Name) (Owner's Address)

(Operator's Name) (Chauffeur's Number)

That the above-described emergency equipment is being operated for the sole purpose of transporting by motor vehicle the property or merchandise described as follows:

and that said property or merchandise is being transported

FROM _____ AT _____
(Consignor) (Address)

TO _____ AT _____
(Consignee) (Address)

That the emergency equipment as herein described will be used for the sole purpose as above stated for the period of time (not to exceed 10 days)

from _____ to _____
Mo. Day Yr. Mo. Day Yr.

for the reason that _____
(Give full particulars why this equipment is being used)

DATE _____, 19____ (SIGNED) _____
(Name of Certificate or Permit holder)

(1) ONE COPY OF THIS LETTER SHALL BE PLACED UPON THE EMERGENCY VEHICLE TO BE OPERATED (2) ONE COPY SHALL BE FILED WITH THE PUBLIC UTILITIES COMMISSION WITHIN THREE (3) DAYS AFTER THE ISSUANCE THEREOF AND (3) ONE COPY SHALL BE ON FILE IN THE OFFICE OF THE CERTIFICATE OR PERMIT HOLDER.

APPENDIX B

UNIFORM PUBLIC LIABILITY AND PROPERTY DAMAGE ENDORSEMENT

The policy to which this endorsement is attached is written in pursuance of, and is to be construed in accordance with, any one or more of the following laws of the State of Colorado:

Chapter 115-9-10, CRS 1963
Chapter 115-11-9, CRS 1963
Chapter 115-10-6, CRS 1963

and the Rules and Regulations of the Public Utilities Commission of the State of Colorado adopted thereunder and applicable to the Insured. In consideration of the premium stated in the policy to which this endorsement is attached, the Insurer hereby waives a description of the motor vehicle or motor vehicles to be insured thereunder, and agrees to pay any final judgment within the limits set forth in the policy or endorsements attached thereto, for injury to, and/or death of persons (with the exception of any employee of the Assured) and damage to property (excluding property of the Assured or property which is rented or leased by the Assured or property other than the baggage of passengers in the custody of the Assured or carried in or upon any automobile of the Assured) resulting from the ownership, maintenance or use of any and all motor vehicles and/or trailers, pursuant to a Certificate of Public Convenience and Necessity or a Permit issued by the Public Utilities Commission of the State of Colorado, and further agrees that upon the failure of the Insurer to pay any such final judgment, such judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. It is understood and agreed by and between the Insurer and the Assured that the right of any person to recover hereunder shall not be affected by any act or omission of the Assured or of any employee of the Assured with regard to any condition or requirement of said policy, but all the terms and conditions of the policy shall remain in full force and be binding as between the Insurer and Assured; and the Insurer shall be reimbursed by the Assured for any and all loss, costs or expenses paid or incurred by the Insurer which the Insurer would not be obligated to pay under the provisions of the policy independently of this endorsement.

All conditions and provisions of this policy, and any statements or agreements contained therein or endorsed thereon in conflict with this endorsement are, by agreement of all parties hereto, held null and void insofar as they are in conflict herewith.

The policy to which this endorsement is attached shall not be cancelled until after thirty days' notice in writing shall have first been given by the insurance company or its authorized agent to the Public Utilities Commission of the State of Colorado, at its office at Denver, Colorado, said thirty days' notice to commence to run from the date notice is actually received at the office of the Commission.

ATTACHED TO AND FORMING A PART OF POLICY NO. _____

issued by the _____ Insurance Company to _____

THIS FORM OF ENDORSEMENT IS REQUIRED TO BE ATTACHED TO THE POLICY OF PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE BUT NOT TO THE CERTIFICATE OF INSURANCE AND MUST BE GIVEN TO THE INSURED AND NOT FILED WITH THE COMMISSION.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)
PROPOSED CHANGES IN SERVICE OF ROCKY)
MOUNTAIN NATURAL GAS COMPANY, INC.,)
DENVER, COLORADO, FILED UNDER ADVICE)
LETTER NO. 32.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 860

ORDER ALLOWING INTERVENTION OF
THE COUNTY COMMISSIONERS OF
PITKIN COUNTY

- - - - -
July 16, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1974, Respondent filed its Advice Letter No. 32 accompanied by three tariff sheets. The stated purpose of the filing is to remove the moratorium on new gas service from Respondent's Western Slope Service Area.

On July 11, 1974, the Board of County Commissioners of Pitkin County filed a pleading entitled "Motion" wherein they requested leave to "file untimely the Board's opposition to the rate increase proposed by the Applicant." The Board filed an identical motion in Investigation and Suspension Docket No. 861, dealing with a rate increase proposed by this same Respondent.

The Commission states and finds that this Motion should be construed as a Petition to Intervene, that the movant is a body which may be affected by any order entered therein, and that the movant should be permitted to intervene herein, as set forth in the following order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The pleading entitled "Motion" filed on July 11, 1974, by the Board of County Commissioners of Pitkin County, be, and hereby is, construed as a Motion to Intervene and as such be, and hereby is, granted.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 85375)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN AIR STAGES, INC. TO EXTEND)
OPERATIONS OF WESTERN AIR STAGES,)
INC., UNDER PUC NO. ACS-71.)

APPLICATION NO. 27606-Extension
ORDER GRANTING PETITION
FOR LEAVE TO INTERVENE

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 11, 1974 Frontier Airlines, Inc. by their attorney, Arthur T. Voss, filed with the Commission a Petition to Intervene and Protest in the above case.

The Commission states and finds that petitioners for intervention are persons 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.

An appropriate order will be entered.

O R D E R

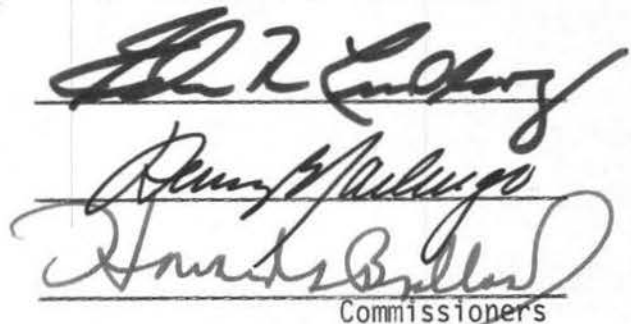
THE COMMISSION ORDERS THAT:

Frontier Airlines, Inc. be, and hereby are, granted leave to intervene in the above-entitled case.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 85376)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)	
UNDER PERMIT NO. B-7851	)	CASE NO. TF-46
)	
BY: JACK R. SHIDELER	)	RECOMMENDED DECISION OF
VONA	)	ROBERT L. PYLE, EXAMINER
COLORADO 80861)	
	)	CANCELING PERMIT NO. B-7851
)	
Respondent.)	

- - - - -
September 4, 1974

Appearances: Harry Eastlund, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

Under date of August 1, 1974, the Commission, in Case No. TF-46, issued its ORDER TO SHOW CAUSE AND NOTICE OF HEARING directing that Respondent appear before the Commission at 10 a.m. on August 28, 1974, at 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place, he would be given an opportunity to be heard to show cause why the operating authority under Contract Carrier Permit B-7851 should not be revoked for failure to properly maintain on file with the Commission tariffs as required by law and the rules and regulations of the Commission.

The matter was called for hearing at the said time and place by Examiner Robert L. Pyle, to whom it had been duly assigned. Respondent failed to appear and the only appearance was Mr. Harry Eastlund of the Staff of the Commission.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Under date of June 19, 1974, the Colorado Motor Traffic Bureau, Inc., issued its 95th Revised Page No. 11 canceling 94th Revised Page No. 11, effective July 20, 1974, which among other things eliminated Respondent Jack R. Shideler from participation of tariffs then on file.

2. Under date of June 21, 1974, Mr. Shideler was notified by the Rate Department of the Commission of such action; his attention was called to the provisions of the statutes of the State of Colorado regarding

the requirement to file rates, and he was asked to give this matter his prompt attention.

3. Respondent failed to answer said correspondence, and the Show Cause Order entered. Further, Respondent failed to answer the Show Cause Order or appear at the hearing.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. Respondent has failed to comply with the law and the rules and regulations of this Commission regarding rates, and his authority under Contract Carrier Permit B-7851 should be canceled and revoked.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

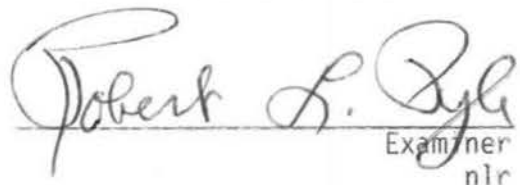
THE COMMISSION ORDERS THAT:

1. Contract Carrier Permit B-7851, owned by Jack R. Shideler of Vona, Colorado, be, and hereby is, canceled and revoked.

2. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

3. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
nlr

(Decision No. 85377)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITIONS TO INTERVENE

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 9, 1974 Darold and Amye Martin, et al, by their attorney Tucker K. Trautman, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

On July 9, 1974 CF&I Steel Corporation, by its attorneys Welborn, Dufford, Cook & Brown, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

On July 9, 1974 Colorado Municipal League, by its attorney Leonard M. Campbell, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

On July 10, 1974 Colorado Workers Unity Organization, by and through its attorneys, the Law Offices of Rudolph Schware, P.C., filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

On July 10, 1974 The Colorado Department of Education, by its attorney Jane Kardokus, filed with the Commission a Motion to Intervene in the above investigation and suspension docket.

On July 10, 1974 the Administrator of General Services, on behalf of the executive agencies of the United States Government, by its attorney John L. Mathews, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioners for intervention are persons who may or might be interested in or affected by any order which may be entered in this proceeding and that the interventions should be authorized.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

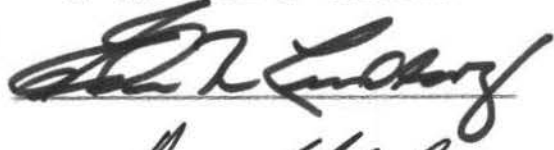


THE COMMISSION ORDERS THAT:

Darold and Amye Martin, et al; CF&I Steel Corporation; Colorado Municipal League; Colorado Workers Unity Organization; Colorado Department of Education; and General Services Administration be, and hereby are, granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 85378)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
TARIFFS FILED BY SOUTHEAST COLORADO	)	DOCKET NO. 858
POWER ASSOCIATION, LA JUNTA, COLORADO,)	
UNDER ADVICE LETTER NO. 14.	)	RECOMMENDED DECISION OF
	)	EXAMINER ROBERT L. PYLE
)	
	)	PERMANENTLY SUSPENDING TARIFFS

- - - - -
July 15, 1974
- - - - -

Appearances: Thomas T. Farley, Esq., Pueblo, Colorado,
for Respondent;
Bruce C. Bernstein, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

On April 9, 1974, Southeast Colorado Power Association filed its Advice Letter No. 14. Docket No. 858 was assigned to the matter.

On April 16, 1974, in Decision No. 84848, the Commission suspended the effective date of the tariffs and set the same for hearing to commence May 29, 1974, at 10 a.m. in La Junta, Colorado, and gave due notice of same.

On May 28, 1974, the hearing previously set for May 29, 1974, was stricken and the matter reset upon due notice to commence June 24, 1974, at 10 a.m. in La Junta, Colorado, at which time it was heard by Robert L. Pyle, Examiner, to whom it had been assigned pursuant to law.

By agreement of Respondent and the Staff of the Commission, Investigation and Suspension Docket No. 858 was heard concurrently with Investigation and Suspension Docket No. 853.

Exhibits 1 through 17 were offered by Respondent and admitted into evidence. Testimony was given by Mr. Crowley of Respondent company.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Respondent is a public utility subject to the jurisdiction of this Commission.

2. This Commission has jurisdiction over the Respondent and the subject matter of this proceeding.

3. The purpose of Advice Letter No. 14 is to recover wholesale power costs to customers of Respondent receiving service under Respondent's rate classification Large Power Special.

4. The rates contained in Respondent's Advice Letter No. 14 will result in a pro forma loss to Respondent of approximately \$38,468 annually.

5. Allowing the rates proposed in Respondent's Advice Letter No. 14 to become effective will require Respondent's other customers to subsidize those of Respondent's customers receiving service under these rates.

6. Six customers currently, and in the past, have received service under Respondent's rate classification Large Power Special, to-wit:

Arkansas Valley Feed
Baca Feed Lot
C. G. Cruickshank
Gene & Claude Hammit
Law Farms
Western Alfalfa Co.

7. The rates proposed in Advice Letter No. 14 are unjust and unreasonable.

8. None of the operations, characteristics, or power usage of any of these six customers is so unique so as to justify placing any of these six customers in a special rate classification separate and apart from Respondent's other rate classifications.

9. No evidence has been presented to justify the creation of rate classification Large Power Special as proposed in Advice Letter No. 14, and said rate classification is, in fact, found to be unjustly discriminatory.

10. Respondent is currently undertaking a cost-of-service survey due to be completed on or about September 30, 1974. The financial condition of Respondent is such that this Commission should have the opportunity to examine the cost-of-service study upon its completion.

11. The findings and conclusions entered in Investigation and Suspension Docket No. 853 are applicable herein also.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The tariffs contained in Advice Letter No. 14 are in violation of law as being unjust and unreasonable.

2. The rate classification of Large Power Special as contained in Advice Letter No. 14 is in violation of law as being unjustly discriminatory.

3. The tariffs contained in Respondent's Advice Letter No. 14 should be rejected.

4. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariffs contained in Respondent's Advice Letter No. 14 be, and hereby are, permanently suspended.

2. Respondent be, and hereby is, ordered to place each of the following customers into each customer's proper rate classification according to Respondent's rate classification currently on file with and approved by this Commission, to-wit:

Arkansas Valley Feed
Baca Feed Lot
C. G. Cruickshank
Gene & Claude Hammit
Law Farms
Western Alfalfa Co.

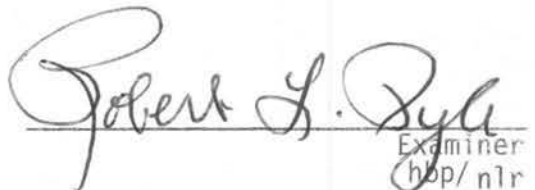
3. A copy of this Order shall be served upon the six affected customers noted in ordering paragraph 2.

4. Respondent be, and hereby is, directed to file with this Commission Respondent's cost-of-service survey by September 30, 1974, or as soon thereafter as said survey can be completed.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp/nlr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27422
PUBLIC SERVICE COMPANY OF COLORADO,)	
550 - 15TH STREET, DENVER, COLORADO,	)	RECOMMENDED DECISION OF
FOR A CERTIFICATE OF PUBLIC CONVENI-	)	THOMAS M. McCAFFREY,
ENCE AND NECESSITY TO RENDER ELEC-	)	EXAMINER
TRIC SERVICE IN A PORTION OF MESA)	
COUNTY, COLORADO.	)	GRANTING APPLICATION

- - - - -
July 15, 1974
- - - - -

Appearances: Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by
Donald D. Cawelti, Esq.,
for Applicant;
Eugene H. Mast, Esq.,
Grand Junction, Colorado,
for Grand Valley Rural Power
Lines, Inc.;
Virgil Beauchamp, Grand Junction,
Colorado, pro se, for various
individuals;
James A. VanderWal, Denver, Colorado,
of the Staff of the Commission.

PROCEDURE AND RECORD

On March 20, 1974, the Public Service Company of Colorado, herein-
after referred to as Applicant, filed the above-titled application with this
Commission requesting an Order granting a certificate of public convenience
and necessity to render exclusive electric service in certain areas of Mesa
County, Colorado.

The Commission assigned Docket No. 27422 to the application and gave
due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as
amended. On June 3, 1974, the Commission received a Petition containing the
signatures of 14 individuals who stated they were residents of the area sought
to be served by Applicant and objected to such requested service.

After due and proper notice to all interested persons, firms, or
corporations, the Commission set the application for hearing to be held in
Division 1, District Courtroom, Mesa County Courthouse, 6th and Rood Avenue,
Grand Junction, Colorado, on Wednesday, June 19, 1974, at 10 a.m. The hearing
was held at the said time and place by Examiner Thomas M. McCaffrey, to whom
the matter had been duly assigned pursuant to law. The application was heard
jointly and on a combined record with Application No. 27423, being the appli-
cation of Grand Valley Rural Power Lines, Inc., hereinafter referred to as
Grand Valley, with both applications being concerned with the certification
of areas of service for the respective Applicants.

The following exhibits pertaining to the application of Public Service Company were offered and admitted into evidence:

- Exhibit 1 -- a legal description of the portions of Mesa County sought by Applicant to be certificated to it.
- Exhibit 2 -- a map showing thereon the area sought by Applicant to be certificated to it.
- Exhibit 3 -- a copy of the Agreement dated October 26, 1973, between Applicant and Grand Valley, together with two minor amendments thereto executed subsequent to October 26, 1973.
- Exhibit 4 -- Applicant's Balance Sheet and Statement of Income for the 12-month period ended March 31, 1974.
- Exhibit 9 -- Petition of residents of the area affected by the application filed with the Commission. (Introduced by Staff)

Official notice was taken of the following Commission Decisions: No. 24859, dated August 21, 1945; No. 24925, dated September 6, 1945; No. 27071, issued June 8, 1946; No. 29730, dated January 15, 1948; and No. 64569, dated March 11, 1965. Official notice was also taken of Public Service Company of Colorado v. Public Utilities Commission, et al., 170 Colo. 470, 485 P.2d 123.

After presentation of evidence, the Examiner ordered that the parties submit proposed findings of fact on or before July 28, 1974. Applicant's Proposed Order was filed with the Commission on June 27, 1974. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a public utility operating company subject to the jurisdiction of this Commission, engaged, among other things, in the generation, transmission, distribution, and sale of electric energy in various areas of the state of Colorado, including Mesa County, Colorado.
2. Applicant is rendering complete and adequate electric service in response to all present demands for electric service in those portions of Mesa County legally described in Appendix A attached hereto and by reference incorporated into and made a part of this Recommended Decision.
3. Applicant and Grand Valley have entered into a contract dated October 26, 1973 (with two minor amendments thereto since that date), admitted into evidence in this proceeding as Exhibit No. 3. The terms and provisions of this Agreement delineate the respective service areas between the parties

and set forth the means by which each party shall effectuate exclusive service by each other in their respective service areas, with Applicant retaining, however, the right to serve certain extractive industries and other large industrial loads as defined therein within the service area of Grand Valley. This Agreement, without the supporting exhibits thereto, is attached hereto and by reference incorporated into and made a part of this Recommended Decision as Appendix B. The area described in Appendix A is in accordance with the service area for Applicant agreed to by Grand Valley in Appendix B, subject to the exceptions and conditions set forth in the said Agreement.

4. In addition to serving the above-described areas, Applicant also has a right to serve customers whose estimated electric loads are 100 Kw or more within that area described in Commission Decision No. 27071 issued June 8, 1946. Applicant, however, is willing to modify and reduce its right to serve such customers, which it has done as set forth in the aforesaid Agreement, Appendix B, with Grand Valley.

5. Persons who appeared at the hearing to protest this application were concerned primarily that if Public Service were allowed to assume the service obligations of Grand Valley, Public Service would immediately initiate a policy of mandatory repair, replacement, and upgrading of the customers' existing electrical facilities, all at an additional cost to the customers. Evidence in this proceeding clearly shows that these customers' concerns were unfounded, and Applicant, while it will fulfill its obligations in correcting hazardous conditions, if any, will not insist upon any change in the customers' facilities, and there will be no additional equipment maintenance and replacement charges.

Nor will the Applicant's proposed purchase of Grand Valley's facilities result, as feared by some of the existing customers, in substantially increased rates to the consumer. While Applicant's rates for certain types of service, e.g., yard lights and larger volume residential use of electrical energy, may be slightly higher than Grand Valley's existing rates, Applicant's rate structure will result in a small decrease for those customers who have low monthly Kwh usage.

6. It is hereby found as fact that the public convenience and necessity requires the following:

- (a) That Applicant be granted a Certificate of Public Convenience and Necessity to render electric public utility service within those areas of Mesa County described in Appendix A attached hereto, subject only to those conditions and exceptions as set forth in Appendix B hereto.
- (b) That Applicant be authorized to acquire from Grand Valley those electric distribution facilities located within the area to be certificated to Applicant in accordance with the terms and provisions in the Agreement and all exhibits attached thereto between the parties, and subject to the exceptions set forth in said Agreement.
- (c) That Applicant be authorized to sell to Grand Valley those electric distribution facilities located within Grand Valley service territory set forth in Exhibit 3 herein, all in accordance with the terms and provisions of, and subject to the exceptions set forth in Appendix B.

7. The consummation of the contract between Applicant and Grand Valley as set forth in Appendix B is in the public interest, and the public convenience and necessity will be promoted thereby; Applicant should be granted the authority to perform and carry out said contract as Applicant is required by the terms thereof.

8. Applicant presently holds Certificates of Public Convenience and Necessity issued by this Commission in portions of the areas described in Appendix A. The Examiner in this proceeding has taken official notice of these certificates in the Grand Junction District generally, as follows:

Decision No. 27071, issued June 8, 1946; and Decision No. 64569, dated March 11, 1965, which latter decision was the subject of review by the Colorado Supreme Court in Public Service Company of Colorado v. Public Utilities Commission, et al., 170 Colo. 470, 485 P.2d 123. This Supreme Court Decision remanded Commission Decision No. 64569 for determination in accordance with the principles set forth therein.

Redlands Area, Decision No. 29730 dated January 1, 1948;

Fruita Electric and Gas Franchise, Decision No. 39871 issued January 1, 1952;

DeBeque Electric and Gas Franchise, Decision No. 65239 dated June 6, 1965; and

Palisade Electric and Gas Franchise, Decision No. 43137, issued August 10, 1954.

The above certificates should be supplemented and superseded as to electric service in the areas described in Appendix A by the Order hereinafter entered.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The application of the Public Service Company of Colorado should be granted and a certificate of public convenience and necessity be issued and the requested authority granted, all as set forth in the following Order.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to the Public Service Company of Colorado to render exclusive electric service to those portions of Mesa County described on Appendix A, attached hereto and by reference incorporated into and made a part hereof, and to acquire in accordance with its contract with Grand Valley Rural Power Lines, Inc., those facilities of Grand Valley, within

said areas certificated to Public Service Company of Colorado; and this Order shall constitute and be the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Public Service Company of Colorado is hereby authorized to sell to Grand Valley Rural Power Lines, Inc., those electric distribution facilities located within the described area of Grand Valley Rural Power Lines, Inc., as set forth in Appendix B, which is by reference incorporated into and made a part hereof, in accordance with the terms and subject to the exceptions set forth in said Appendix B.

3. Notwithstanding the rights granted to Public Service Company of Colorado under Decision No. 27071 of this Commission, it is hereby ordered that Applicant shall serve only industrial electric loads estimated to be greater than 1000 Kw within that area to be served by Grand Valley Rural Power Lines, Inc., the only exception being that extractive industries having electrical loads estimated at 100 Kw or more shall also be served by Public Service Company of Colorado, all as more particularly set forth in Appendix B.

4. Public Service Company of Colorado will record on its books the electric distribution facilities which it will acquire and purchase from Grand Valley Rural Power Lines, Inc., at the cost of such electric facilities to Applicant in accordance with Rule 27 of this Commission, and shall submit for the Commission's prior approval the proposed entries to be made on its books to reflect such acquisition of facilities as soon as the cost thereof to Public Service Company of Colorado is accurately known.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Thomas M. McCallister
Examiner
rm/hbp

The DeBeque Area Exterior Boundaries:

Beginning at the point of intersection of the center line of the natural channel of the Colorado River and the south line of Section 28, T8S, R97W, of the 6th P.M.; thence westerly along section lines to the S-1/4 corner of said Section 28; thence northerly along 1/2 section lines to the NW corner SW-1/4-SE-1/4 of Section 21, T8S, R97W; thence easterly along the north line S-1/2-S-1/2 of Sections 21, 22 and 23, T8S, R97W to the NE corner SW-1/4-SW-1/4 of said Section 23; thence southerly along the east line W-1/2-W-1/2 of Sections 23 and 26, T8S, R97W to the SE corner SW-1/4-NW-1/4 of said Section 26; thence westerly along 1/2 section lines to the center of Section 27, T8S, R97W; thence southerly along 1/2 section lines to the NE corner SE-1/4-SW-1/4 of said Section 27; thence westerly along the north line S-1/2-S-1/2 of Sections 27 and 28, T8S, R97W to a point of intersection with the center line of the natural channel of the Colorado River; thence in a general southwesterly direction along said center line to the point of beginning.

The Fruita Area Exterior Boundaries:

The area circumscribed by a line beginning at a point on the south line of Section 12, Township 1 North, Range 3 West, Ute Prime Meridian, and on the west line E-1/2-E-1/2 of Section 12; thence north on that line to the south line of N-1/2 of Section 12; thence east on that line to the west line of Section 7, Township 1 North, Range 2 West; thence east on the south line of N-1/2 of Section 7 to the west line of Section 8; thence north on that line 1/2 mile to the north

line of Section 8; thence east on that line 1-1/2 miles to the east line of the W-1/2 of Section 9; thence south along that line to the north line of the S-1/2-S-1/2 of Section 9; thence east along that line for 1-1/2 miles to the east line of Section 10; thence south along the east line of Section 10 and Section 15 to a point on the south line of the N-1/2-N-1/2 of Section 15; thence west along that line two miles to the west line of Section 16, which is the east city limits line of the Town of Fruita, Colorado; thence south along the west line of Section 16 and Section 21 to the north line of the S-1/2-S-1/2-N-1/2 of Section 20; thence west along that line to the center line of Section 20; thence south along said center line of Section 20 to the center line of the Colorado River; thence in a northwesterly direction along the center line of the Colorado River to the west line of the E-1/2-NE-1/4 of Section 13, Township 1 North, Range 3 West; thence north along that line to the point of beginning.

The Grand Junction Area Exterior Boundaries:

Beginning at a point on the west line of the E-1/2-E-1/2-E-1/2, Section 30, T1N, R1W, Ute Meridian, and on the south line of said Section 30; thence north to the south line of the N-1/2-N-1/2-N-1/2 of said Section 30; thence east along that line 7/8ths miles to the west line of the NE-1/4-NE-1/4 of Section 29; thence north along that line to the north line of the S-1/2-S-1/2 of Section 20; thence east along that line to the west line of the E-1/2-E-1/2 of Section 21; thence south along that line to the center line of Section 28; thence west 1/2 mile to the east line of the W-1/2-W-1/2 of Section 28; thence south along said line 2-1/4 miles to the south line of the N-1/2-S-1/2 of Section 4, T1S, R1W, Ute Meridian; thence east along this line 1/2 mile to the west line of the E-1/2-E-1/2 of Section 4; thence north along this line to the south line of the N-1/2-N-1/2-N-1/2 of Section 4; thence east along said line 3/4 mile to the center line of Section 3; thence north along said line to the north line of the S-1/2-S-1/2 of Section 34, T1N, R1W, Ute Meridian; thence east along said line to the east line of the W-1/2-W-1/2 of Section 35; thence south along said line 1/2 mile to the south line of the N-1/2-N-1/2 of Section 2, T1S, R1W, Ute Meridian; thence east along said line to the west line of the E-1/2-E-1/2 of said Section 2; thence south to the center line of said Section 2; thence east to an intersection with the SW corner of lot 27 of Jayne's Subdivision in the SE-1/4 NW-1/4 of Section 1; thence north along the west lot lines of said lot 27 and lot 26 a distance of approximately 880' to the NW corner of said lot 26; thence east along the north line of said lot 26 to the intersection with the north-south centerline of said Section 1; thence north to the W-1/4 corner of the NE-1/4 of said

Section 1; thence east to the E-1/4 corner of the NE-1/4 of said Section 1; thence south along the section line to the SE corner of said Section 1; thence east along the north line of Section 7, T1S, R1E, Ute Meridian, to the NE corner NW-1/4 NW-1/4 of said Section 7, thence south to a point on the south line of the N-1/2 N-1/2 of said Section 7; thence east one-half mile to a point on the west line of the E-1/2 E-1/2 of said Section 7; thence north along said line to the north line of the S-1/2-S-1/2-S-1/2 of Section 6; thence east along said line through Sections 5, 4, and 3 to a point on the west line of E-1/2-E-1/2 of Section 3, T1S, R1E, Ute Meridian; thence north to the north line of the S-1/2-S-1/2 of Section 3; thence east along said line to the west line of the E-1/2-E-1/2-E-1/2 of Section 2, T1S, R1E, Ute Meridian; thence south along said line to the north line of the S-1/2-S-1/2-S-1/2 of said Section 2; thence east along said line to a point on the west line of the E-1/2-W-1/2 of Section 1, T1S, R1E, Ute Meridian; thence north along said line to the north line of Section 25, T1N, R1E, Ute Meridian; thence east along said section line to the northeast corner of Section 25, T1N, R1E; thence north along the west line of Section 2, T11S, R99W, to the northwest corner of Section 2; thence east along the north line of Sections 2 and 1, T11S, R99W, and Sections 6, 5 and 4 of T11S, R98W, to the southwest corner of Section 33, T10S, R98W; thence north along the west lines of Sections 33, 28, 21 and 16 of T10S, R98W, to the northwest corner of Section 16; thence east 4 miles along the north lines of Sections 16, 15, 14 and 13 of T10S, R98W, to the northeast corner of Section 13; thence continuing east along the north lines of Section 18 and 17, T10S, R97W, 6th P.M. to the northeast corner of said Section 17; thence south four miles to the southeast corner of Section 32, T10S, R97W; thence west two miles to the

northeast corner of Section 6, T11S, R97W, 6th P.M.; thence south along the east lines of Sections 6, 7, 18, 19 and 30 to the southeast corner of Section 30, T11S, R97W; thence west to the southwest corner of said Section 30; thence south to the southeast corner of Section 36, T11S, R98W, 6th P.M.; thence west along the south line of Sections 36 and 35 to the east line of Section 25, T1S, R2E; thence north along the east line of said section to the northeast corner of Section 25, T1S, R2E; thence west 5 miles along the south line of Sections 24, 23, 22, 21 and 20 of T1S, R2E, to the northeast corner of Section 30, T1S, R2E; thence south along the east line of Section 30 to a point on the north line of the S-1/2-N-1/2 of Section 30; thence west along said line to the east line of Section 25; T1S, R1E, Ute Meridian; thence west along the north line of the S-1/2-N-1/2 of Sections 25 and 26, T1S, R1E, Ute Meridian to a point on the west line of the E-1/2-W-1/2 of said Section 26; thence north along said line to the center line of the Colorado River; thence west along the center line of the Colorado River to the west line of the E-1/2-E-1/2 of Section 21, T1S, R1E, Ute Meridian; thence north along said line to the north line of the S-1/2-N-1/2 of said Section 21; thence west along said line to a point on the west line of the E-1/2-E-1/2 of Section 24, T1S, R1W, Ute Meridian; thence south along said line to the center line of Section 24; thence east along said line to the east line of Section 24; thence south along said line to the center line of the Colorado River; thence east along the center line of the Colorado River to a point on the center line of Section 20, T1S, R1E; thence south along said line to the north line of the S-1/2-N-1/2 of Section 29, T1S, R1E; thence east along said line to the west line of the E-1/2-W-1/2 of Section 28; thence south along said line to the north line of the S-1/2-S-1/2 of Section 28; thence west along said line to the N-S center line of Section 29; thence south

along said center line and the center line of Section 32 to the intersection with the south right-of-way of U. S. Highway No. 50 in said Section 32; thence northwesterly along said right-of-way to the intersection with the east line of the W-1/2-W-1/2 of Section 30; thence north along said line to the center line of Section 30; thence west to the east line of the W-1/2-W-1/2 of Section 25, T1S, R1W; thence south along said line to the center line of the Gunnison River; thence southeasterly along the center line of the Gunnison River to a point on the south line of Section 13, T12S, R100W, 6th Principal Meridian; thence west along the south boundaries of Sections 13, 14, 15, 16, 17 and 18 of said T12S and along the south boundaries of Sections 13 and 14, T12S, R101W, 6th Principal Meridian, to the south quarter corner of said Section 14, T12S, R101W, 6th Principal Meridian; thence north along the center line of said Section 14 to the center line of No Thoroughfare Canyon; thence northeasterly along the center line of No Thoroughfare Canyon to the west line of Section 31, T1S, R1W, Ute Meridian; thence north along the west line of said Section 31 and continuing northwesterly along the boundary of the Colorado National Monument to the southeast corner of Section 33, T1N, R2W, Ute Meridian; thence north on the east line of said Section 33 to the center line of the Colorado River; thence southeasterly along the center line of the Colorado River to the west line of the E-1/2-E-1/2 of Section 8, T1S, R1W, Ute Meridian; thence north along said line and along the west line of the E-1/2-E-1/2 of Section 5 to the south line of the N-1/2-N-1/2 of Section 32, T1N, R1W, Ute Meridian; thence west to the west line of the E-1/2-E-1/2-E-1/2 of Section 31, T1N, R1W, Ute Meridian; thence north to the point of beginning.

Decisions No. 85379 and 85380

APPENDIX "B"

Agreement consisting of 24 pages



Public Service Company of Colorado

P.O. BOX 840 · DENVER, COLORADO 80201

February 22, 1974

Mr. Paul E. Martin, President
Grand Valley Rural Power Lines, Inc.
2727 Grand Avenue
Grand Junction, Colorado 81501

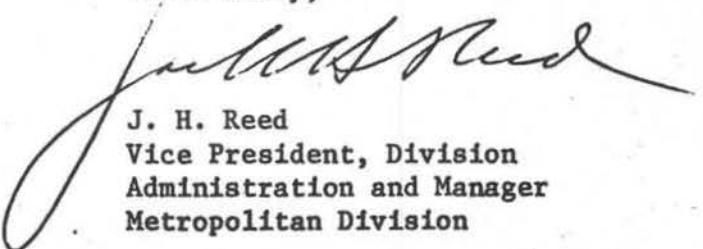
Dear Paul:

As you are aware, the agreement between Grand Valley Rural Power Lines and Public Service Company of Colorado dated October 26, 1973 has been subject to certain unavoidable delays. As a consequence, the time frames contemplated for the various transactions incident to the contract have become impractical or impossible with which to comply.

It is therefore suggested that the entire performance responsibilities of the contract be set forward on the basis of a contract execution date of February 22, 1974. The only date certain which can now be established is the deadline for exchanging customer and rate data. This requirement is found at page 13, Article III, paragraph 4 of the agreement. The revised date will now be March 25, 1974. All other requisite dates will be proportionately adjusted.

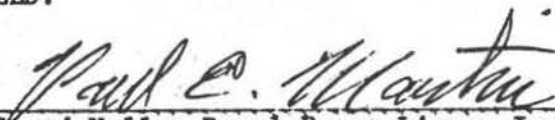
If this arrangement meets with your agreement, please signify your concurrence by signing below and returning a copy of this letter to me. This letter will then be considered a modification of the agreement.

Yours truly,


J. H. Reed
Vice President, Division
Administration and Manager
Metropolitan Division

JHReed
EGD:lra
Enclosure

AGREED:

By 
Grand Valley Rural Power Lines, Inc.

A G R E E M E N T

THIS AGREEMENT, made and executed this 26th day of October, 1973, by and between PUBLIC SERVICE COMPANY OF COLORADO, a corporation organized and existing under the laws of the State of Colorado (hereinafter called "Public Service"), and GRAND VALLEY RURAL POWER LINES, INC., a corporation organized and existing under the laws of the State of Colorado (hereinafter called "Grand Valley"):

W I T N E S S E T H

WHEREAS, Public Service is an operating public utility company, engaged, among other things, in the generation, transmission, distribution and sale of electric energy in various cities, towns, communities and rural areas in the State of Colorado and owns and operates certain electric transmission and distribution lines and related facilities, rights-of-way and easements, and other property related thereto and used in connection therewith, located in, among other places, the counties of Mesa, Garfield and Pitkin, as shown in part on a map marked Exhibit 1 attached hereto and made a part hereof; and

WHEREAS, Grand Valley is an electric cooperative association and a public utility engaged in the purchase, distribution and sale of electric energy in various towns, communities and rural areas in the State of Colorado and owns and operates certain electric distribution lines and

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3/1/74 P. E. W.

related facilities, rights-of-way and easements, and other property related thereto and used in connection therewith, located in, among other places, the counties of Mesa, Delta, and Garfield, as shown on a map marked Exhibit 2, attached hereto and made a part hereof; and

WHEREAS, in certain of the areas served by the parties hereto, there has resulted a duplication of electric facilities because of extensive development of the area and the increased need for electric energy therein, and as a result thereof the question of the division of territories has been the subject of consideration by The Public Utilities Commission of the State of Colorado in various decisions, including Decision No. 27071 of June 8, 1946 and Decision No. 64569 of March 11, 1965, which latter Decision was the subject of review by the Colorado Supreme Court in Cases No. 24258 and 24222, which remanded the same for determination in accordance with principles set forth therein, and

WHEREAS, the parties hereto have accordingly mutually agreed upon a determination of the respective service areas of the parties hereto which will enable each of the parties to more efficiently render electric service to the public, and upon an exchange and sale of various electric distribution facilities and related property and equipment.

NOW, THEREFORE, for and in consideration of the mutual agreements herein contained, the parties hereto covenant and agree as follows:

ARTICLE I

TERRITORIAL SERVICE BOUNDARY

1. Subject to the approval of The Public Utilities Commission of the State of Colorado, it is the intention of this Agreement, insofar

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as determination of territory between Public Service and Grand Valley is concerned, that the areas to be served by the parties hereto, except as herein otherwise provided, shall be the areas determined by Decision No. 27071 dated June 8, 1946 of The Public Utilities Commission, as modified by Decision No. 64569 of March 11, 1965 of said Commission and the order of the Colorado Supreme Court dated May 10, 1971 remanding said latter Commission Decision in part for further determination, which determination is implemented by this Agreement. It is agreed that, except for certain limitations with respect to large load customers and with respect to service during the period of transition, all areas concerned shall be the exclusive area of one or the other of the parties, but said areas shall be subject to adjustment from time to time under conditions set forth herein.

2. Subject to limitation and adjustment from time to time as herein provided, the areas to be served by Public Service shall be as shown on Exhibit 3 and described in Exhibit 3a attached hereto and made a part hereof, which are herein referred to as Public Service exclusive areas.

For the purposes of this Agreement, all territory within the present and future corporate limits of the municipalities of DeBeque, Fruita, Grand Junction, Palisade and such other cities or towns where Public Service is supplying electric service under the terms of franchises granted by said cities or towns are also included in said areas.

3. Subject to limitation and adjustment as herein provided, the areas to be served by Grand Valley shall be as shown on Exhibit 4 and described in Exhibit 4a attached hereto and made a part hereof, which are herein referred to as Grand Valley's exclusive areas.

4. It is understood that a portion of the area included in Grand Valley's exclusive area as provided in Section 3 is in the Redlands area certificated to

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Public Service by Decision No. 29730 of January 15, 1948. In its application to the Public Utilities Commission for approval of service areas as provided in Section 6, of Article III hereof, Public Service will secure a separate relinquishment from said certificated area of any area so situated.

5. The parties hereto agree that the right and obligation of Public Service to serve all 100 KW or larger electric loads within the Grand Junction District as said District is defined in P.U.C. Decision No. 27071, is hereby modified.

After the date of this Agreement as hereinafter set forth, Public Service shall serve only the industrial electrical loads estimated to be greater than 1,000 KW, within Grand Valley's exclusive portion of said District, the only exception being that extractive industries having electrical loads estimated at 100 KW or more shall also be served by Public Service. It is agreed that the term "extractive industries" shall be as defined by the Standard Industrial Classifications (SIC), published by the U. S. Office of Management and Budget (1972), as Division B, Mining; major groups No. 10 through 13 and 14 (except for group no. 144, Industry nos. 1442 and 1446). The foregoing electrical load estimates shall be the maximum electrical demand estimated by Public Service to occur within the first five years after the date of initial operations based on equipment information supplied by customers. Public Service shall furnish to Grand Valley such information and load analyses to substantiate load.

6. In the event any portion of the area to be served by Grand Valley as provided herein, is hereafter annexed to a city or town where Public Service possesses an electric franchise or permit or other regulatory authorization, thereafter, within sixty (60) days after the effective date of such annexation, and upon tender of the compensation provided to be paid by Public Service to Grand Valley pursuant to paragraph 1(b) of Article III, or an optional exchange by Public Service of customers and facilities of its area for the annexed areas, Grand Valley will cease serving its then existing customers being served within such annexed area and, subject to release of interest by the Rural Electrification Administration of the U. S. Department of Agriculture or other lien holders, if

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any there be, sell its electric distribution facilities within such annexed area to Public Service. Grand Valley will not serve any new customers in any such annexed areas.

In the event of such annexations, Public Service will transfer and exchange from its areas as herein described an area or areas equal in acreage to that of the area or areas annexed, provided that such obligation to transfer exchange areas shall not accrue until more than 3,742 acres have been annexed and are served by Public Service. With respect to subsequent annexations, Public Service will transfer to Grand Valley equal acreages contiguous to Grand Valley areas. During the period that said amount of 3,742 acres is being credited, Grand Valley will transfer customers and facilities and Public Service will pay Grand Valley therefor as provided in paragraph 1 (b) of Article III, provided that Public Service may at its option elect to exchange portions of its area for annexed areas. The area at Walker Airport that is undevelopable, such as runways, taxiways and setbacks prescribed by the Federal Aviation Administration, if and when annexed, shall be excluded for the purpose of computing acreage to be transferred.

The term "city" or "town" as used herein shall apply to any city or town within the meaning of such term under the constitution or laws of the State of Colorado, but shall not apply to any quasi-municipal corporation, district, super-district, super-municipality, or other type of community created for a special purpose and of limited municipal power, or which may consist of one or more cities or towns, with each retaining its respective corporate identity.

7. This Agreement shall not affect or in any way determine the service areas of Public Service in any areas other than those made the subject of this Agreement. Public Service shall not render any electric service to customers within the service territory of Grand Valley from and after

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the transfer and exchange of facilities herein contemplated except as herein provided or except upon a specific order of P.U.C. in which Public Service is ordered and directed to extend its facilities to render such service.

8. This Agreement shall not affect or in any way determine the service areas of Grand Valley in any areas other than those made the subject of this Agreement. Grand Valley shall not render any electric service to customers within the service territory of Public Service from and after the transfer and exchange of facilities herein contemplated, except as herein provided, or except upon a specific order of the P.U.C. in which Grand Valley is ordered and directed to extend its facilities to render such service.

9. Nothing herein contained shall be construed to restrict the right of either party to continue to operate existing transmission lines which are not used to serve ultimate consumers, and associated primary substations and primary distribution feeder lines or to construct new transmission lines or primary substations or primary distribution feeder lines in areas served by the other party if necessary to meet the electric requirements of the public served by the parties in their respective service areas.

ARTICLE II

CUSTOMERS AND FACILITIES

1. Public Service; on the closing date hereinafter set forth, shall:

- (a) Sell or exchange, convey, transfer and assign to Grand Valley all of its electric distribution facilities located within the exclusive service territory of Grand Valley, as hereinbefore agreed to, subject however, to the exclusions set forth in Paragraph 5 of this Article II.

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- (b) Transfer all of its electric customers located within said exclusive service territory of Grand Valley to Grand Valley.
- (c) Transfer and assign to Grand Valley, in accordance with the provisions of Paragraph 5, Article I hereof, the right and obligation of Public Service to serve the 100 KW and larger electrical loads now served by Grand Valley in the Grand Junction District, namely:

Holiday Inn, 755 Horizon Drive, Grand Junction

Ramada Inn, 718 Horizon Drive, Grand Junction

Fruita-Monument School, 1815 J Road, Fruita

Bookcliff Country Club Pump, 2730 G Road, Grand Junction

Holly Beet Dump, 1850 Hiways #6 & 50, Fruita

Uranium Downs

In addition, Public Service shall also convey, transfer, and assign to Grand Valley, the facilities, rights and obligations to serve the following 100 KW or larger customers:

American Family Motel, 721 Horizon Drive, Grand Junction

Howard Johnson Motel, 752 Horizon Drive, Grand Junction

and other existing 100 KW or larger customers within the exclusive areas of Grand Valley that may be served by Public Service up to the execution of this Agreement.

2. Should Public Service at any time, in accordance with the provisions of Paragraph 5, Article I hereof, contract to supply electric loads 100 KW and large as stipulated in said Paragraph 5, and which are located in the exclusive service territory of Grand Valley, Public Service may supply such electric service as follow

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- (a) By the extension of its electric system in accordance with its Line Extension and Service Connection Policy.
- (b) By making arrangements for said electric loads to be supplied from the electric system of Grand Valley, in accordance with the following procedure:

At the request of Public Service, Grand Valley will serve, on an interim basis and to the extent of any surplus capacity available in Grand Valley's system, any of the loads specified in Paragraph 5 of Article I, to be served by Public Service during any periods of construction of the customer's plant or other facilities or development of the industrial load, provided Public Service will reimburse Grand Valley for any investment, and any direct costs of Grand Valley associated with serving such load from the electric system of Grand Valley. Grand Valley will make such investments only upon agreement by separate instrument by Public Service to so reimburse Grand Valley therefor, in the event Public Service may subsequently elect to serve such load by directly connecting it to the electric system of Public Service.

3. Grand Valley, on the closing date hereinafter set forth,
shall:

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- (a) Sell or exchange, convey, transfer and assign to Public Service all of its electric distribution facilities located within the exclusive service territory of Public Service, as hereinbefore agreed to, subject, however, to the exclusions set forth in Paragraph 5 of this Article II.
- (b) Transfer all of its electric customers located within said exclusive service territory of Public Service served by Grand Valley, to Public Service as follows:
 - (1) All electric customers then being served by Grand Valley and located within the City of Grand Junction, as the city limits existed on August 1, 1973.
 - (2) In areas other than the City of Grand Junction, as the city limits existed on August 1, 1973, each party, thirty days before the date of closing, shall tabulate the revenue of customers served in the exclusive area of the other party (except those customers referred to in Article II 1C). A list of customers of both parties shall be agreed upon whose annual total revenues are equal (within one thousand dollars) and those customers shall on the date of closing be transferred and exchanged.

4. All electric customers located in the exclusive territory of Public Service and served by Grand Valley and not required to be transferred to Public Service as provided in sub-paragraph 3(b) above, shall be designated as "retained" customers and shall continue to be served by Grand Valley from facilities owned by Public Service, until all such "retained" customers are transferred to Public Service as provided following:

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During the first ten years of the term of this Agreement, both parties will cooperate to exchange all possible retained customers with a minimum of 50 percent to be exchanged within such period. At the end of ten years, Grand Valley will transfer to Public Service, all remaining retained customers, according to the terms of this agreement.

5. Excluded from said facilities are the transmission lines, substations and primary distribution feeder lines, existing or hereafter constructed, the continuation or construction of which is provided in Section 9 of Article I, and transformers as provided in Section 1(b) and 2 of Article III.

6. (a) Facilities to be transferred shall include electric distribution facilities whose usefulness has ceased as a result of the rearrangement of lines.

(b) In addition to the electric facilities of the respective parties to be transferred hereunder, the parties hereto also covenant and agree to convey, transfer and assign all easements, rights-of-way or other occupancy rights with respect to public or private lands on which said lines and facilities are situated, except where such lines are attached to facilities which continue to be owned by the party making the transfer, in which latter case joint use rights will be reserved or granted. Each party shall separately convey, transfer or assign any instruments evidencing such easements or rights.

(c) Each party shall convey, transfer or assign by deed or bill of sale or other instrument in form satisfactory

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to the other party, its respective facilities as herein agreed. Where deemed necessary by the parties, descriptions of facilities or property to be transferred shall be in detail as to the number, size, and description of basic property units to be transferred.

- (d) In addition to the transfer of physical facilities as above provided, the parties hereto, subject to required approvals, shall assign and transfer in whole or in part, as appropriate, certificates of convenience and necessity, or other governmental or regulatory authorizations, or consents with respect to the property and electric customers herein agreed to be transferred.

7. In those instances where a distribution circuit to be transferred is attached to the poles of a transmission circuit, the continued attachment of said distribution circuit to said transmission poles shall be in accordance with a separate "Joint Use Agreement" to be entered into between the parties. Such Joint Use Agreement shall also provide for the attachment by either party to distribution poles owned by the other party where necessary or desirable to reduce or eliminate the duplication of pole lines, and will provide for identical conditions of use and payments to each of the parties when using facilities of the other. However, each party reserves the right to exclude any of its facilities from joint use. This Agreement is not contingent on execution of said Joint Use Agreement.

ARTICLE III

PURCHASE PRICE AND CONSUMMATION

OF CLOSING

1. It is understood and agreed that the consideration to be paid

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hereunder for the transfer and exchange of electric facilities, customers and properties shall be as follows:

(a) Electric Distribution Facility Compensation:

- (i) The pertinent electric distribution facilities used to serve customers referred to in paragraphs 1(b) and 1(c) Article II shall be transferred and assigned by Public Service to Grand Valley as an even exchange for the pertinent electric distribution facilities used to serve customers referred to in paragraphs 3(b)(1) and 3(b)(2) Article II to be transferred and assigned by Grand Valley to Public Service.
- (ii) For the sale and transfer of electric distribution facilities by Grand Valley to Public Service as provided for in subparagraph 4. of Article II hereof, Public Service shall pay Grand Valley \$ 350.00 - - - per customer transferred.

- (b) Annexed Customer Compensation: As compensation for the sale and transfer of the facilities and customers of Grand Valley within the annexed areas set forth in paragraph 6 of Article I, Public Service will pay to Grand Valley an amount equal to three and one-half times the revenue received by Grand Valley during the twelve-month period ending with the billing period immediately preceding the date of transfer; provided that, in the event Public Service exercises its option to exchange customers and facilities as provided in paragraph 6 of Article I, facilities transferred under this provision would exclude transformers.

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As to customers annexed which Grand Valley has served for less than twelve months, the revenues will be based upon revenues for a twelve-month period beginning with Grand Valley's first service to such customers and including revenues received by Public Service after transfer, and settlement shall be made when said twelve-month period has expired.

- (c) "Retained" Customer Compensation: As compensation for transfer to Public Service of customers retained by Grand Valley as provided in subparagraph 4 of Article II hereof, Public Service will pay Grand Valley as such customers are transferred on the same basis as provided in (b) above, less the amount of \$ 350.00 per customer for facilities exchanged pursuant to (a) (ii) above.

2. Each party shall supply to the other, sixty days subsequent to the date of closing, a list enumerating capital additions, excluding transformers, made to the respective properties sold and exchanged hereunder which were made subsequent to October 26, 1973. Payment shall be made by the party acquiring said capital additions based upon the original cost of the same.

3. Each of the parties shall take all necessary and reasonable action to obtain public acceptance of this proposal, to obtain the approval of The Public Utilities Commission as provided in Paragraph 6 of this Article III, and to obtain such other approvals as may be required to effect the exchange of facilities and customers with the least possible inconvenience to the public and the customers involved, and at minimum cost to the parties.

4. Each of the parties shall supply to the other the following customer and rate data within thirty (30) days of the execution date of this Agreement.

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- (a) In the Grand Valley service territory, name, address, meter numbers, customer classifications and 1973 revenue data for each Public Service customer to be transferred to Grand Valley, and copies of rates and special contracts applicable to such customers.
- (b) In the Public Service service territory, name, address, meter numbers, customers classifications and 1973 revenue data for each Grand Valley customer to be transferred to Public Service; and copies of rates and special contracts applicable to such customers.
- (c) Each of the parties shall have reasonable access to the books or records of the other party for purposes of verifying data furnished as set forth in this Paragraph 4.

5. The initial date of closing shall be a date mutually agreed by and between the parties hereto, but shall in no event be later than one hundred eighty (180) days after the date the order of approval of the transfer and exchange contemplated hereunder by the P.U.C. becomes final. Closings shall take place in the office of Public Service in Grand Junction, Colorado.

- (a) At the time of initial and subsequent closings, each party shall deliver to the other party as many duly authorized and executed counterparts of the required closing instruments as may be reasonably requested, and each party agrees that it will execute and deliver any additional instruments of further assurance as may be requested by the other party to fully effectuate the intent and terms hereof. Neither party hereto shall be

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obligated to convey any property or to make any payment or tender pursuant to the terms hereof on the date of closing unless both parties hereto shall be prepared simultaneously to perform all of the acts required by this Agreement to be performed on the closing date.

- (b) Each of the parties shall take possession of the facilities to be acquired by it under the terms of this Agreement as set forth herein.
- (c) During the period that Grand Valley retains customers within Public Service service areas, Grand Valley shall be responsible for all service calls from any of its customers so retained involving any problem on the load side of the meter and with the meter. Public Service shall be responsible for all service calls from any such customers retained by Grand Valley involving problems on the line side of the meter. Any problems reported to Grand Valley relating to trouble on the line side of the meter shall be reported by Grand Valley to the Public Service electric trouble dispatcher, Grand Junction, Colorado. Any problems reported to Public Service on the load side of the meter or with the meter shall be reported to Grand Valley.

6. Prior to the date of the initial closing, and as a condition precedent to the consummation of the exchange, transfer and sale contemplated hereunder, the respective parties shall obtain the following approvals and authorizations:

- (a) Each of the parties hereto shall make application to The Public Utilities Commission of the State of Colorado for

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a Certificate of Public Convenience and Necessity authorizing service in the respective service areas herein agreed to. In addition, the parties hereto shall obtain any and all other authorizations, orders, consents or approvals required by any Federal, State or local authorities having jurisdiction in the premises.

- (b) Each of the parties hereto shall obtain any and all releases, consents or approvals from any party holding any lien, mortgage, deed of trust, or other encumbrance upon any of the property contemplated to be transferred and exchanged hereunder so that all of such property may be transferred and exchanged free and clear of any and all liens and encumbrances whatsoever with the exception of current taxes.

7. Copies of the above consents, releases, permits or approvals required to be obtained by either party hereto prior to the initial closing of this transaction shall be furnished to the other party for its examination at least ten (10) days prior to the closing date and at least ten (10) days prior to all subsequent closing dates.

8. Any amounts payable to either party under this Agreement shall be made by certified check or by such other method as the parties may agree.

ARTICLE IV

CUT-OVER AND TRANSITION PERIOD

1. The cut-over of facilities shall be accomplished as near as practicable in accordance with the following procedure:

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- (a) Not later than fifteen (15) days after the initial and subsequent closing dates, each of the parties hereto shall cause the meters of its customers, to be transferred and exchanged hereunder, to be read. If the party receiving said customers so desires, it may simultaneously read said meters. All meters shall be read within ten (10) working days commencing with the first meter reading.
- (b) Within five (5) days after all of said meters have been read, each party shall furnish to the other party a record of such meter readings so that each party will have a sufficient basis for future billing. The customers shall be transferred between the parties as of the date of final meter reading as herein described.
- (1) Within fifteen (15) working days after final meter readings have been made, final bills shall be rendered to all customers being transferred. Each party hereto shall be responsible for collecting such final bills of its respective accounts.
- (2) On or prior to the date of transfer of customers between the parties, each party hereto shall refund or cause to be refunded to its respective customers to be exchanged or transferred hereunder, any and all customers refundable deposits of every nature made by such customers and shall, to the extent legally possible, terminate or cause to be terminated any and all existing guaranteed revenue service agreements or contracts with any customer

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served by it to be transferred or exchanged hereunder. If any such service agreement or contract is not legally subject to termination, it shall be assigned to the other party hereto.

Refundable deposits as referred to herein, shall not relate to or include capital credits retained by Grand Valley for refund to patrons pursuant to adopted rules and regulations of Grand Valley.

2. Subsequent to the transfer of customers as set forth herein, arrangements for orderly exchange of facilities shall be made by a committee composed of operating personnel representing both parties. Said committee shall determine the most expeditious manner, creating the least inconvenience to customers of phasing in and cutting over of facilities to be exchanged and of changing of distribution transformers where necessary.

- (a) Each receiving party shall bear all costs of whatever nature incurred in revising, rearranging, rebuilding or reconnecting the facilities received from the other party and necessary to the operation of such facilities as a part of the distribution system of said receiving party.
- (b) At the time of cut-over of a particular line, to the extent required herein, the party receiving the line shall remove the distribution transformers of the party transferring said line and shall install thereon its distribution transformers necessary to render service at the operating voltage of the party receiving said line. All such transformers removed shall be tagged with a tag

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indicating the date, address of nearest customers served therefrom, and shall be delivered to the designated service center of the party owning same, at intervals agreed to. All such returned transformers shall be properly receipted for. In the event that any of the primary voltage transformers owned by customers of either party on lines to be transferred to the other party are unsuitable for use at the primary voltage of the other party's distribution system, the transferring party shall replace such transformers with suitable transformers at no expense either to the customer involved or to said other party.

- (c) On the same working day on which a particular line is cut-over, all meters served from said line shall be read by the party transferring the line for purpose of determining the energy supplied to "retained" customers of Grand Valley or customers of the other party during the period between the customer transfer and the line cut-over.

3. Each of the parties shall operate and maintain its respective facilities to be transferred until said facilities are cut-over and physically connected to the receiving party's system.

The time of possession by the party receiving facilities to be transferred from the transferring party shall be the date of cut-over of each section.

4. In the event that any new or additional customers should be required to be connected to a line which is to be transferred, in accordance

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with this Agreement, but which has not yet been cut-over, said connection shall be made in accordance with the following:

During the period of time subsequent to the date of this Agreement and prior to the closing date, extensions to new or additional customers shall be made by the party who will eventually serve said customers.

Subsequent to the closing date, extensions made to new or additional customers within a party's service territory as set forth in this Agreement, shall be made by that party. Electrical connection of this extension to the distribution line from which it is being extended shall be made by the party to whose distribution system the subject distribution line is still connected, provided that the other party shall be notified in advance of the date and time that such connection is to be made so that such party may be present if it so desires. Any costs for such connections shall be at the expense of the party building said extension.

When new or additional customers are connected after the closing date and prior to the date of cut-over, the party who will be billing said new or additional customers shall notify the other party of initial meter readings and of meter readings at time of cut-over for the purpose of computing energy supplied.

5. Where required or requested, both parties shall be present at times when cut-overs are made and when transformers are changed.

6. Upon completion of each cut-over, all energy consumed by customers that have been transferred hereunder shall be computed. The compu-

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tation shall be based on final meter readings as set forth in Paragraph 1, Article IV hereof and meter readings taken at the time of cut-over as set forth in Paragraph 2c, Article IV hereof. The party supplying the lesser amount of energy shall pay the other party at the rate of \$0.0112 per KWH, for the amount of the difference in KWH supplied, adjusted for the fossil fuel cost adjustment as set forth in the General Lighting and Power Service rate schedule of Public Service applicable in the area as filed and in effect from time to time with The Public Utilities Commission of the State of Colorado; payment of said reimbursement shall be made quarterly for the three preceding billing periods. Reimbursement for the cost associated with the temporary delivery of energy to retained customers of Grand Valley as provided in subparagraph 4 of Article II shall be made on the same basis.

7. The respective parties hereto shall pay all taxes of every kind and nature on or relating to the operation of their respective facilities to be sold and exchanged pursuant to this Agreement, to and including the date of closing, and shall also pay any and all transfer and other taxes which may come by reason of said sale and exchange, including without limitations any State sales taxes accrued and owing as of the dates of closing. All ad valorem taxes in respect of the respective facilities for the year 1973, payable in 1974, shall be paid by the party owning such facilities as of the date hereof, and there shall be no attempt to pro-rate such taxes. Each party shall indemnify the other and save such other party harmless against any liability with respect to its own share, as herein defined, of all taxes referred to in this paragraph of this Article IV.

ARTICLE V

MISCELLANEOUS

1. Except for the obligation to serve as a public utility which is

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assumed as customers of one party are transferred to the other party pursuant to this agreement, there shall be no general assumptions by either party of the other parties liabilities of any nature. Both parties recognize that there may be obligations to be performed under easements, crossing agreements, leases, licenses, franchises, joint use agreements, or other agreements assigned, transferred or assumed pursuant to this agreement.

2. Each party shall indemnify and hold the other party harmless from any loss or damage from any contractual obligations of the other party other than obligations knowingly assumed as set forth in paragraph 1. above.

3. Between the date of execution of this Agreement and the date of closing, neither party hereto shall enter into any contracts relating to its facilities which are to be sold and exchanged hereunder or the operation of such facilities, nor shall either party, during such period, sell or otherwise dispose of any part of its facilities which are to be sold and exchanged hereunder except such part or parts thereof as may be retired from service in the usual course of business. Upon the retirement from service of any such part or part the party owning the same shall, insofar as possible, forthwith make replacements thereof which will maintain the value of said facilities and their capacity to render service.

4. The respective parties hereto shall promptly take all necessary action to obtain all consents, releases, or approvals necessary to consummate this transfer and exchange, and in connection therewith agree to obtaining jointly an inventory of the facilities exchanged, and to render to each other all such assistance and cooperation as the respective parties may reasonably request, including appropriate sharing of costs, all in order to expeditiously carry out the terms and provisions hereof.

5. Except to the extent that some other standard is expressly provided herein, accounting terms such as "capital addition," "retirements,"

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"book cost," and the like shall be interpreted in accordance with the standards set forth in the Uniform System of Accounts for Electric Utilities prescribed by The Public Utilities Commission of the State of Colorado.

6. All notices hereunder to Public Service shall be sufficient if sent by registered mail or telegram, addressed to the Division Manager, Western Division, Public Service Company of Colorado. P. O. Box 849, Grand Junction, Colorado 81501. All notices hereunder to Grand Valley shall be sufficient if sent by registered mail or telegram, addressed to the General Manager, Grand Valley Rural Power Lines, Inc., 2727 Grand Avenue, Grand Junction, Colorado 81501. Either party hereto by written notice to the other party, may specify a different address for purposes of notification, and in each case, all notices thereafter sent shall be sufficient if sent to such address by the method prescribed above. All notices shall be deemed to have been given on the date of posting if sent by mail, or on the date of delivery to the sending office of the telegraph company, if sent by telegram.

7. This Agreement constitutes the entire agreement and understanding of the parties hereto with respect to the transfer, exchange and sale of facilities herein described and service by the respective parties to the affected areas. It is understood and agreed, however, that the parties hereto in their operations as public utilities are charged with the duty and responsibility of rendering electric service to the public in their respective service areas and that while the parties have earnestly and sincerely endeavored to resolve by this Agreement all of their respective operating problems, it is recognized that future problems may arise affecting the operations of the parties which have not and could not have been anticipated at this time because of the very nature of the public utility business and the ever-changing requirements and needs of the public involved. In recognition thereof, the parties hereto covenant and agree that in the event

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future conflicts arise with respect to their respective electric systems operations they will meet and negotiate in a bona fide manner toward the end of mutually resolving and agreeing upon a solution to any such conflicts toward the end of adopting a course of operations which will best serve the public interest.

8. This Agreement and any ancillary agreements entered into pursuant hereto shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto, or of the successors and assigns of the parties to such ancillary agreements, as the case may be.

9. This Agreement may be simultaneously executed in any number of counterparts, and all such counterparts executed and delivered, each as an original, shall constitute but one and the same instrument.

10. In the event that either of the parties, after diligent effort, should be unable to obtain the authorizations and approvals as provided in Section 6 of Article III hereof, this Agreement shall terminate and be of no further force and effect.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed, sealed and delivered by its duly authorized officers, all as of the day and year first above written.

ATTEST:

By J. L. Burrell
Secretary

ATTEST:

By R. A. Edling

PUBLIC SERVICE COMPANY OF COLORADO

By

James M. H. Reed
Vice President

GRAND VALLEY RURAL POWER LINES, INC.

By

Paul E. Martin
President

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3/1/24 R. E. W.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 27423
GRAND VALLEY RURAL POWER LINES, INC.,)	
A COLORADO CORPORATION, FOR A CER-)	
TIFICATE OF PUBLIC CONVENIENCE AND	)	RECOMMENDED DECISION OF
NECESSITY TO SERVE CERTAIN AREAS IN	)	THOMAS M. McCAFFREY,
THE COUNTIES OF DELTA, MESA AND	)	EXAMINER
GARFIELD, STATE OF COLORADO, WITH)	
ELECTRIC ENERGY.	)	GRANTING APPLICATION

- - - - -
July 15, 1974
- - - - -

Appearances: Eugene H. Mast, Esq.,
Grand Junction, Colorado,
for Grand Valley Rural
Power Lines, Inc., Applicant;
Lee, Bryans, Kelly & Stansfield,
Esqs., Denver, Colorado, by
Donald D. Cawelti, Esq., for
Public Service Company of
Colorado;
Virgil N. Beauchamp, Grand
Junction, Colorado, pro se,
for various residents;
James A. VanderWal, Denver,
Colorado, of the Staff of the
Commission.

PROCEDURE AND RECORD

On March 22, 1974, Grand Valley Rural Power Lines, Inc., hereinafter referred to as Grand Valley, filed the above-titled application with this Commission seeking an order granting a certificate of public convenience and necessity to render exclusive electric service in certain described areas of Delta, Mesa, and Garfield Counties, Colorado.

The Commission assigned Docket No. 27423 to the application and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

With due and proper notice to all interested persons, firms, or corporations, the Commission set the application for hearing to be heard in Division 1 - District Courtroom, Mesa County Courthouse, 6th and Rood Avenue, Grand Junction, Colorado, on Wednesday, June 19, 1974, at 10 a.m. The hearing was held at the scheduled time and place by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned pursuant to law. The application was heard jointly on a combined record with Application No. 27422, being the application of Public Service Company of Colorado also for certification of areas of service.

Prior to the scheduled hearing, on June 3, 1974, a Petition containing the names of 14 persons residing in the area presently served by Applicant herein was filed with the Commission. These petitioners in said Petition objected to service from Public Service in areas presently served by Applicant herein. Mr. Virgil N. Beauchamp appeared at the hearing as spokesman on behalf of all said petitioners.

The following exhibits pertaining to the instant application were offered and admitted into evidence:

Exhibit 3 -- a copy of the Agreement dated October 26, 1973, between Applicant and Public Service Company of Colorado, together with all Appendices thereto setting forth the areas to be served by each firm.

Exhibit 5 -- a letter dated February 22, 1974, from Public Service Company to Applicant setting forth a modification to the original agreement of October 26, 1973.

Exhibit 6 -- Applicant's Statistical Report for the year ending December 31, 1973.

Exhibit 7 -- Balance Sheet and Financial Statement of Applicant as of April 30, 1974.

Exhibit 8 -- Balance Sheet of Applicant for year ending December 31, 1973.

Exhibit 9 -- Petition containing the signatures of 14 residents of the area affected by both Application No. 27422 and the instant application.

At the conclusion of the hearing, the subject matter was taken under advisement, and Applicant was ordered to file a proposed order on or before June 28, 1974. Said proposed order was duly filed.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicant is a Colorado corporation and is a public utility subject to the jurisdiction of this Commission. Applicant is engaged in the distribution and sale of electric energy in the counties of Mesa, Garfield, and Delta, state of Colorado.

2. Applicant is rendering complete and adequate electric service in response to all present demands for electric service in those portions of Mesa County described in Appendix A, attached hereto and by reference incorporated into and made a part of this Recommended Decision.

3. Applicant and Public Service have entered into a contract dated October 26, 1973 (with two minor amendments thereto since that date), admitted into evidence as Exhibit 3. This Agreement defines and delineates the respective service areas between Public Service and Applicant and sets forth the means by which each shall effectuate exclusive service by each other in their respective service areas, with Public Service retaining, however, the right to serve certain extractive industries and other large industrial loads as defined therein within the service area of Applicant. This Agreement, without the supporting exhibits thereto, is designated as Appendix B, attached hereto and by reference incorporated into and made a part of this Recommended Decision. Applicant's service area, as legally described in Appendix A, is in accordance with the service area for Applicant agreed to by Public Service in Appendix B, subject to the exceptions and additions set forth therein.

4. By virtue of Decision No. 27071 of this Commission dated June 8, 1946, Public Service had the right to serve customers whose estimated electric loads are 100 Kw or more within the area described in said Decision No. 27071. Public Service is willing to modify and reduce its right to serve such customers as set forth in the Agreement, Appendix B, between Applicant and Public Service.

5. All of the persons who appeared at the hearing, for whom Mr. Virgil N. Beauchamp spoke, are presently served by Applicant. Evidence adduced at the hearing showed that at least two of these persons will continue to be served by Applicant, and these residents were mistaken in their belief that their dwellings were now to be serviced by Public Service. The majority of the persons protesting the change of service to Public Service were concerned that such change would entail mandatory repair and replacement of their electrical facilities, such repairs and replacements being chargeable to them. Evidence clearly showed that such was not the case, and Public Service will require and make only changes necessary to eliminate hazardous conditions, if any. These individual protestants were also concerned that Public Service's rates would be considerably higher than Applicant's. Evidence showed, however, that these customers' rates would not be substantially increased. While those persons desiring certain types of electrical services, e.g., yard lighting, and those residents utilizing larger amounts of electrical energy may be charged slightly more, testimony showed that cost of service by Public Service may in some cases be less than that charged by Grand Valley.

6. The public convenience and necessity requires:

- (a) that Applicant be granted a certificate of public convenience and necessity to render electric public utility service within those areas of Mesa County described in Appendix A, subject only to those conditions and exceptions set forth in Appendix B.
- (b) that Applicant be authorized to sell to Public Service those electric distribution facilities located within the areas to be certificated to Public Service, as described in the Agreement and all exhibits attached thereto, all in accordance with the terms set forth in said Agreement, Appendix B, and subject to the exceptions set forth therein.

- (c) that Applicant be authorized to acquire from Public Service those electric distribution facilities located within Public Service's service territory as described in Exhibit 1 in this proceeding, which Exhibit is by reference incorporated into and made a part hereof, in accordance with the terms and subject to the exceptions set forth in Appendix B attached hereto.

7. The consummation of the contract between Applicant and Public Service as set forth in Appendix B is in the public interest, and the public convenience and necessity will be promoted thereby. Applicant should be granted the authority to perform and carry out the terms and provisions of the Agreement entered into between the parties.

8. Applicant presently holds certificate of public convenience and necessity issued by this Commission in portions of the area described in Appendix A attached hereto. These areas are described in Commission Decision No. 27071, dated June 8, 1946, Decision No. 64569, issued March 11, 1965 (reviewed by the Colorado Supreme Court in Public Service Company of Colorado v. Public Utilities Commission, et al., 170 Colo. 470, 485 P.2d 123, which remanded said Decision for determination in accordance with the principles set forth therein); the Redlands Area, in Decision No. 29730 dated January 1, 1948; the Fruita Area, in Decision No. 39871 issued January 1, 1952; the DeBeque Area, in Decision No. 65239, dated June 6, 1965; and the Palisade Area, in Decision No. 43137, dated August 10, 1965. These certificates should be supplemented and superseded as to the area described in Appendix A by the Order hereinafter entered.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The instant application should be granted and a certificate of public convenience and necessity be issued and the authority granted, all as set forth in the following Order.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. A certificate of public convenience and necessity be, and hereby is, granted to Applicant to render exclusive electric service to those portions of Mesa, Delta, and Garfield Counties as described in Appendix A, attached hereto and by reference incorporated into this Order, and to acquire in accordance with its contract with Public Service those facilities of Public Service within said areas certificated to Grand Valley Rural Power Lines, Inc.; and this Order shall constitute and be the CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

2. Applicant is hereby authorized to sell to Public Service those electric distribution facilities located within the described area of Grand Valley Rural Power Lines, Inc., as set forth in Appendix B in accordance with the terms and subject to the exceptions as set forth in said Appendix, which is by reference incorporated into and made a part of this Order.

3. Applicant is hereby authorized to acquire from Public Service Company of Colorado those electric distribution facilities located within Public Service's service territory as described in Exhibit 1 in this proceeding, which Exhibit is by reference incorporated into and made a part hereof, in accordance with the terms and subject to the exceptions set forth in Appendix B attached hereto.

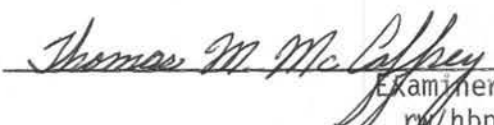
4. Notwithstanding the rights granted to Public Service Company of Colorado under Decision No. 27071 of this Commission, it is hereby ordered that Applicant shall have the right to serve, within that portion of Mesa and Garfield Counties, referred to in Decision No. 27071 as "The Grand Junction District," electrical loads not estimated to be greater than 1000 Kw, except extractive industries having electrical loads estimated at 100 Kw or more, which areas are to be served by Grand Valley Rural Power Lines, Inc., as described in Appendix B.

5. Grand Valley Rural Power Lines, Inc., will record on its books the electric distribution facilities which it will acquire and purchase from Public Service Company of Colorado at the cost of such electric facilities to Grand Valley Rural Power Lines, Inc., in accordance with Rule 27 of this Commission, and shall submit for the Commission's prior approval the proposed entries to be made on its books to reflect such acquisition of facilities as soon as the cost thereof to Grand Valley Rural Power Lines, Inc., is accurately known.

6. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

7. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rm/hbp

The Grand Valley Area Number One Exterior Boundaries:

Beginning at a point on Colorado-Utah State Line on the South line of Section 18, T13S, R104W, 6th Principal Meridian; thence east approximately 20 miles to the southeast corner of Section 16, T13S, R101W, 6th Principal Meridian; thence north 7 miles to the northeast corner Section 16, T12S, R101W, 6th Principal Meridian; thence west 2 miles to the northwest corner Section 17; thence north 6 miles to the northwest corner Section 17, T11S, R101W, 6th Principal Meridian; thence east approximately $\frac{3}{4}$ mile to the southeast corner of Section 33, Township 1 North, Range 2 West, Ute Meridian; thence north on the east line of said Section 33 to the center line of the Colorado River; thence southeasterly along the center line of the Colorado River to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 8, T1S, R1W, Ute Meridian; thence north along said line and along the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 5 to the south line of the $N\frac{1}{2}$ $N\frac{1}{2}$ of Section 32, T1N, R1W, Ute Meridian; thence west to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 31, T1N, R1W, Ute Meridian; thence north along that line to the south line of the $N\frac{1}{2}$ $N\frac{1}{2}$ $N\frac{1}{2}$ of Section 30; thence east along that line $\frac{7}{8}$ th miles to the west line of the $NE\frac{1}{4}$ $NE\frac{1}{4}$ of Section 29; thence north along that line to the north line of the $S\frac{1}{2}$ $S\frac{1}{2}$ of Section 20; thence east along that line to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 21; thence south along that line to the center line of Section 28; thence west $\frac{1}{2}$ mile to the east line of the $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 28; thence south along said line $2\frac{1}{4}$ miles to the south line of the $N\frac{1}{2}$ $S\frac{1}{2}$ of Section 4, T1S, R1W, Ute Meridian; thence east along this line $\frac{1}{2}$ mile to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 4; thence north along this line to the south line of the $N\frac{1}{2}$ $N\frac{1}{2}$ $N\frac{1}{2}$ of Section 4; thence east along said line $\frac{3}{4}$ mile

to the center line of Section 3; thence north along said line to the north line of the $S\frac{1}{2}$ $S\frac{1}{2}$ of Section 34, T1N, R1W, Ute Meridian; thence east along said line to the east line of the $W\frac{1}{2}$ $W\frac{1}{2}$ of Section 35; thence south along said line $\frac{1}{2}$ mile to the south line of the $N\frac{1}{2}$ $N\frac{1}{2}$ of Section 2, T1S, R1W, Ute Meridian; thence east along said line to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of said Section 2; thence south to the center line of said Section 2; thence east to an intersection with the SW corner of Lot 27 of Jayne's Subdivision in the $SE\frac{1}{4}$ $NW\frac{1}{4}$ of Section 1; thence north along the west lot lines of said lot 27 and lot 26 a distance of approximately 880' to the NW corner of said Lot 26; thence east along the north line of said Lot 26 to the intersection with the north-south center-line of said Section 1; thence north to the $W\frac{1}{4}$ corner of the $NE\frac{1}{4}$ of said Section 1; thence east to the $E\frac{1}{4}$ corner of the $NE\frac{1}{4}$ of said Section 1; thence south along the section line to the SE corner of said Section 1; thence east along the north line of Section 7 T1S, R1E, Ute Meridian to the NE corner of the $NW\frac{1}{4}$ $NW\frac{1}{4}$ of said Section 7, thence South to a point on the south line of the $N\frac{1}{2}$ of the $N\frac{1}{2}$ of said Section 7; thence East $\frac{1}{2}$ mile to a point on the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ of said Section 7; thence north along said line to the north line of the $S\frac{1}{2}$ $S\frac{1}{2}$ $S\frac{1}{2}$ of Section 6; thence east along said line through Sections 5, 4, and 3 to a point on the west line of $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 3, T1S, R1E, Ute Meridian; thence north to the north line of the $S\frac{1}{2}$ $S\frac{1}{2}$ of Section 3; thence east along said line to the west line of the $E\frac{1}{2}$ $E\frac{1}{2}$ $E\frac{1}{2}$ of Section 2, T1S, R1E, Ute Meridian; thence south along said line to the north line of the $S\frac{1}{2}$ $S\frac{1}{2}$ $S\frac{1}{2}$ of said Section 2; thence east along said line to a point on the west line of the $E\frac{1}{2}$ $W\frac{1}{2}$ of Section 1, T1S, R1E, Ute Meridian; thence

north along said line to the north line of Section 25, T1N, R1E, Ute Meridian; thence west to the northeast corner Section 25, T1N, R1W Ute Meridian; thence north to the northeast corner Section 1, T1N, R1W, Ute Meridian; thence west approximately 4-3/4 miles to the west line of Section 13, T10S, R101W, 6th Principal Meridian; thence north approximately 8 miles to the northeast corner Section 2, T9S, R101W, 6th Principal Meridian; thence west 17 miles to the northwest corner Section 6, T9S, R103W, 6th Principal Meridian; thence north approximately 1/2 mile to the northeast corner Section 1, T9S, R104W, 6th Principal Meridian; thence west 6 miles to the Utah-Colorado State Line; thence south along Utah-Colorado State Line to the southwest corner of Section 6, T10S, R104W, 6th Principal Meridian; thence east 7 miles to the southeast corner Section 6, T10S, T103W, 6th Principal Meridian; thence south to the center line of the Colorado River; thence southeasterly along center line of the Colorado River to the east line of Section 9, T1N, R3W Ute Meridian; thence south to the southeast corner Section 16, T1N, R3W, Ute Meridian; thence east 2 miles to the northeast corner Section 23, T1N, R3W, Ute Meridian; thence south 3 miles to the north line of Section 15, T11S, R102W, 6th Principal Meridian; thence east to the northeast corner of Section 15, T11S, R102W, 6th Principal Meridian; thence south to the southeast corner Section 22, T11S, R102W, 6th Principal Meridian; thence west to the northwest corner Section 30, T11S, R102W, 6th Principal Meridian; thence south to the northeast corner Section 36, T11S, R103W 6th Principal Meridian; thence west approximately 11 miles to the Utah-Colorado State Line; thence south along the Utah-Colorado State Line to the point of beginning; excluding therefrom the area circumscribed by a line

beginning at a point on the south line of Section 12, T1N, R3W, Ute Meridian, and on the west line $E\frac{1}{2} E\frac{1}{2}$ Section 12, thence north on that line to the south line of $N\frac{1}{2}$ of Section 12; thence east on that line to the west line of Section 7, T1N, R2W; thence east on the south line of $N\frac{1}{2}$ of Section 7 to the west line of Section 8; thence north on that line $\frac{1}{2}$ mile to the north line of Section 8; thence east on that line $1\frac{1}{2}$ miles to the east line of the $W\frac{1}{2}$ of Section 9; thence south along that line to the north line of the $S\frac{1}{2} S\frac{1}{2}$ of Section 9; thence east along that line for $1\frac{1}{2}$ miles to the east line of Section 10; thence south along the east line of Section 10 and Section 15 to a point on the south line of the $N\frac{1}{2} N\frac{1}{2}$ of Section 15; thence west along that line two miles to the west line of Section 16, which is the east city limits line of the Town of Fruita, Colorado; thence south along the west line of Section 16 and Section 21 to the north line of the $S\frac{1}{2} S\frac{1}{2} N\frac{1}{2}$ of Section 20; thence west along that line to the center line of Section 20; thence south along said center line of Section 20 to the center line of the Colorado River; thence in a north-westerly direction along the center line of the Colorado River to the west line of the $E\frac{1}{2} NE\frac{1}{4}$ of Section 13, T1N, R3W; thence north along that line to the point of beginning.

The Grand Valley Area Number Two Exterior Boundaries:

Beginning at the northwest corner Section 35, T14S, R104W, 6th Principal Meridian; thence south 7 miles to the north line Section 9, T51N R19W, New Mexico Principal Meridian; thence west to the west line of said Section 9; thence south to the southwest corner Section 21, T51N, R19W, New Mexico Principal Meridian; thence east approximately 4 miles to the southwest corner Section 19, T51N, R18W, New Mexico Principal Meridian; thence

north to the south line Section 32, T15S, R103W, 6th Principal Meridian; thence east to the southeast corner Section 36, T15S, R103W, 6th Principal Meridian; thence north to the northwest corner Section 19, T15S, R102W, 6th Principal Meridian; thence east 12 miles to the southeast corner Section 13, T15S, R101W, 6th Principal Meridian; thence north to the southwest corner Section 31, T14S, R100W, 6th Principal Meridian; thence east 7 miles to the southeast corner Section 31, T14S, R99W, 6th Principal Meridian; thence north 6 miles to the northeast corner Section 6, T14S, R99W, 6th Principal Meridian; thence east approximately $3\frac{1}{4}$ miles to the center line of the Gunnison River; thence southeasterly along the center line of the Gunnison River to west line of Section 7, T14S, R98W, 6th Principal Meridian; thence south to the southwest corner Section 7, T15S, R98W, 6th Principal Meridian; thence east to the southeast corner Section 12, T15S, R98W, 6th Principal Meridian; thence north to the south line of Section 32, T4S, R3E, Ute Meridian; thence east to southeast corner of said Section 32; thence north to the northeast corner Section 5, T4S, R3E, Ute Meridian; thence east to southeast corner Section 7, T14S, R97W, 6th Principal Meridian; thence north to the intersection of the east line of Section 6, T14S, R97W, 6th Principal Meridian with the Mesa-Delta County Line; thence continuing north approximately $4\frac{1}{4}$ miles to the northwest corner Section 17, T13S, R97W, 6th Principal Meridian; thence east 5 miles to the northeast corner Section 13, T13S, R97W, 6th Principal Meridian; thence north approximately $6\frac{1}{4}$ miles to the southwest corner Section 7, T12S, R96W, 6th Principal Meridian; thence east 6 miles to the southeast corner Section 12, T12S, R96W, 6th Principal Meridian; thence north approximately $1\frac{1}{4}$ miles to the south line of Section 36, T11S,

Section 7, T11S, R95W, 6th Principal Meridian; thence east 6 miles to the southeast corner Section 1, T11S, R95W, 6th Principal Meridian; thence north 1 mile to northeast corner of said Section 1; thence east approximately 12-3/4 miles to the southeast corner Section 36, T10S, R93W, 6th Principal Meridian; thence north 14 miles to the northeast corner Section 25, T8S, R93W, 6th Principal Meridian; thence west 6 miles to the northwest corner Section 30 T8S, R93W, 6th Principal Meridian; thence south 3 miles to the southeast corner Section 1, T9S, R94W, 6th Principal Meridian; thence west 12 miles to the northwest corner Section 7, T9S, R95W, 6th Principal Meridian; thence south to the southeast corner Section 24, T9S, R96W, 6th Principal Meridian; thence west 6 miles to the southwest corner Section 19, T9S, R96W, 6th Principal Meridian; thence north 5 miles to the northwest corner Section 30, T8S, R96W, 6th Principal Meridian; thence east 1 mile to the northeast corner of said Section 30; thence north approximately 2½ miles to the Mesa-Garfield County Line on the east line of Section 7, T8S, R96W, 6th Principal Meridian; thence west along the Mesa-Garfield County Line 4 miles to the east line of Section 16; T8S, R97W, 6th Principal Meridian; thence north to the northeast corner Section 4, T7S, R97W, 6th Principal Meridian; thence west to the northeast corner Section 1, T7S, R98W, 6th Principal Meridian; thence north to the northeast corner Section 28, T5S R97W, 6th Principal Meridian; thence west to the center line of Section 29, T5S, R99W, 6th Principal Meridian; thence south to the S¼ corner Section 32, T5S, R99W, 6th Principal Meridian; thence west to the west line of Section 2, T6S, R100W, 6th Principal Meridian; thence south to the southwest corner Section 35, T6S, R100W, 6th Principal Meridian; thence east to the northwest corner Section 4, T7S, R99W, 6th Principal Meridian; thence south to the southwest corner Section 33, T7S, R99W, 6th Principal Meridian;

Principal Meridian; thence south to the southwest corner Section 15, T8S, R99W, 6th Principal Meridian; thence east to the northwest corner Section 19, T8S, R97W, 6th Principal Meridian; thence south to the southwest corner Section 7, T9S, R97W, 6th Principal Meridian, thence east to the southeast corner Section 8, T9S, R97W, 6th Principal Meridian; thence south to the southwest corner Section 10, T11S, R97W, 6th Principal Meridian; thence west to the northwest corner Section 17, T11S, R97W, 6th Principal Meridian; thence south to the southeast corner Section 7, T12S, R97W, 6th Principal Meridian; thence west to the east line of Section 1, T2S, R2E, Ute Meridian; thence north to the northeast corner of said Section 1; thence west to the northwest corner of Section 5, T2S, R2E, Ute Meridian; thence north to a point on the east line of Section 30, T1S, R2E, Ute Meridian at the north line of $S\frac{1}{2} N\frac{1}{2}$ of said Section 30; thence west along said line to the east line of Section 25, T1S, R1E, Ute Meridian; thence west along the north line of the $S\frac{1}{2} N\frac{1}{2}$ of Sections 25 and 26, T1S, R1E, Ute Meridian to a point on the west line of the $E\frac{1}{2} W\frac{1}{2}$ of said Section 26; thence north along said line to the center line of the Colorado River; thence west along the center line of the Colorado River to the west line of the $E\frac{1}{2} E\frac{1}{2}$ of Section 21, T1S, R1E, Ute Meridian; thence north along said line to the north line of the $S\frac{1}{2} N\frac{1}{2}$ of Section 21; thence west along said line to a point on the west line of the $E\frac{1}{2} E\frac{1}{2}$ of Section 24, T1S, R1W, Ute Meridian; thence south along said line to the center line of Section 24; thence east along said line to the east line of Section 24; thence south along said line to the center line of the Colorado River; thence east along the center line of the Colorado River to a point on the center line of Section 20, T1S, R1E; thence south along said line to the north line of the $S\frac{1}{2} N\frac{1}{2}$ of Section 29, T1S, R1E; thence

east along said line to the west line of the E $\frac{1}{2}$ W $\frac{1}{2}$ of Section 28; thence south along said line to the north line of the S $\frac{1}{2}$ S $\frac{1}{2}$ of Section 28; thence west along said line to the N-S center line of Section 29; thence south along said center line and the center line of Section 32 to the intersection with the south right-of-way of U.S. Highway No. 50 in said Section 32; thence northwesterly along said right-of-way to the intersection with the east line of the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 30; thence north along said line to the center line of Section 30; thence west to the east line of the W $\frac{1}{2}$ W $\frac{1}{2}$ of Section 25, T1S, R1W, thence south along said line to the center line of the Gunnison River; thence southeasterly along the center line of the Gunnison River to the east line of Section 30, T12S, R99W, 6th Principal Meridian; thence south to the southeast corner of said Section 30; thence west to the northwest corner Section 35, T12S, R100W, 6th Principal Meridian; thence south to the southwest corner Section 35, T13S, R100W, 6th Principal Meridian; thence west to the northwest corner Section 3, T14S, R101W, 6th Principal Meridian; thence south to the southwest corner Section 27, T14S, R101W, 6th Principal Meridian; thence west 17 miles to the point of beginning; excluding therefrom the following: Beginning at the point of intersection of the center line of the natural channel of the Colorado River and the south line of Section 28, T8S, R97W, of the 6th Principal Meridian; thence westerly along section lines to the S $\frac{1}{4}$ corner of said Section 28; thence northly along $\frac{1}{2}$ section lines to the NW corner SW $\frac{1}{4}$ SE $\frac{1}{4}$ of Section 21, T8S, R97W, thence easterly along the north line S $\frac{1}{2}$ S $\frac{1}{2}$ of Sections 21, 22 and 23, T8S, R97W, to the NE corner SW $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 23; thence southerly along the east line W $\frac{1}{2}$ W $\frac{1}{2}$ of Sections 23 and 26, T8S, R97W, to the SE corner SW $\frac{1}{4}$ NW $\frac{1}{4}$ of said Section 26; thence westerly along $\frac{1}{2}$ section lines to the center of Section

27, T8S, R97W; thence southerly along $\frac{1}{2}$ section lines to the NE corner SE $\frac{1}{4}$ SW $\frac{1}{4}$ of said Section 27; thence westerly along the north line S $\frac{1}{2}$ S $\frac{1}{2}$ of Sections 27 and 28, T8S, R97W, to a point of intersection with the center line of the natural channel of the Colorado River; thence in a general southwesterly direction along said center line to the point of beginning.

Decisions No. 85379 and 85380

APPENDIX "B"

Agreement consisting of 24 pages



Public Service Company of Colorado

P.O. BOX 840 • DENVER, COLORADO 80201

February 22, 1974

Mr. Paul E. Martin, President
Grand Valley Rural Power Lines, Inc.
2727 Grand Avenue
Grand Junction, Colorado 81501

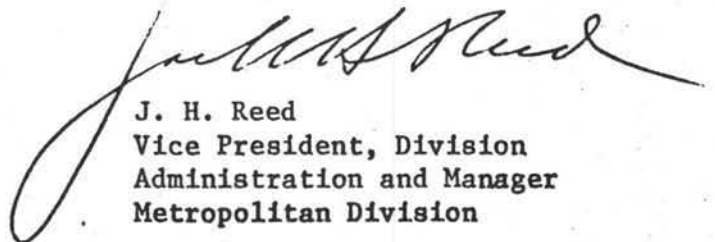
Dear Paul:

As you are aware, the agreement between Grand Valley Rural Power Lines and Public Service Company of Colorado dated October 26, 1973 has been subject to certain unavoidable delays. As a consequence, the time frames contemplated for the various transactions incident to the contract have become impractical or impossible with which to comply.

It is therefore suggested that the entire performance responsibilities of the contract be set forward on the basis of a contract execution date of February 22, 1974. The only date certain which can now be established is the deadline for exchanging customer and rate data. This requirement is found at page 13, Article III, paragraph 4 of the agreement. The revised date will now be March 25, 1974. All other requisite dates will be proportionately adjusted.

If this arrangement meets with your agreement, please signify your concurrence by signing below and returning a copy of this letter to me. This letter will then be considered a modification of the agreement.

Yours truly,


J. H. Reed
Vice President, Division
Administration and Manager
Metropolitan Division

JHReed
EGD:lra
Enclosure

AGREED:

By 
Grand Valley Rural Power Lines, Inc.

A G R E E M E N T

THIS AGREEMENT, made and executed this 26th day of October, 1973, by and between PUBLIC SERVICE COMPANY OF COLORADO, a corporation organized and existing under the laws of the State of Colorado (hereinafter called "Public Service"), and GRAND VALLEY RURAL POWER LINES, INC., a corporation organized and existing under the laws of the State of Colorado (hereinafter called "Grand Valley"):

W I T N E S S E T H

WHEREAS, Public Service is an operating public utility company, engaged, among other things, in the generation, transmission, distribution and sale of electric energy in various cities, towns, communities and rural areas in the State of Colorado and owns and operates certain electric transmission and distribution lines and related facilities, rights-of-way and easements, and other property related thereto and used in connection therewith, located in, among other places, the counties of Mesa, Garfield and Pitkin, as shown in part on a map marked Exhibit 1 attached hereto and made a part hereof; and

WHEREAS, Grand Valley is an electric cooperative association and a public utility engaged in the purchase, distribution and sale of electric energy in various towns, communities and rural areas in the State of Colorado and owns and operates certain electric distribution lines and

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related facilities, rights-of-way and easements, and other property related thereto and used in connection therewith, located in, among other places, the counties of Mesa, Delta, and Garfield, as shown on a map marked Exhibit 2, attached hereto and made a part hereof; and

WHEREAS, in certain of the areas served by the parties hereto, there has resulted a duplication of electric facilities because of extensive development of the area and the increased need for electric energy therein, and as a result thereof the question of the division of territories has been the subject of consideration by The Public Utilities Commission of the State of Colorado in various decisions, including Decision No. 27071 of June 8, 1946 and Decision No. 64569 of March 11, 1965, which latter Decision was the subject of review by the Colorado Supreme Court in Cases No. 24258 and 24222, which remanded the same for determination in accordance with principles set forth therein, and

WHEREAS, the parties hereto have accordingly mutually agreed upon a determination of the respective service areas of the parties hereto which will enable each of the parties to more efficiently render electric service to the public, and upon an exchange and sale of various electric distribution facilities and related property and equipment.

NOW, THEREFORE, for and in consideration of the mutual agreements herein contained, the parties hereto covenant and agree as follows:

ARTICLE I

TERRITORIAL SERVICE BOUNDARY

1. Subject to the approval of The Public Utilities Commission of the State of Colorado, it is the intention of this Agreement, insofar

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as determination of territory between Public Service and Grand Valley is concerned, that the areas to be served by the parties hereto, except as herein otherwise provided, shall be the areas determined by Decision No. 27071 dated June 8, 1946 of The Public Utilities Commission, as modified by Decision No. 64569 of March 11, 1965 of said Commission and the order of the Colorado Supreme Court dated May 10, 1971 remanding said latter Commission Decision in part for further determination, which determination is implemented by this Agreement. It is agreed that, except for certain limitations with respect to large load customers and with respect to service during the period of transition, all areas concerned shall be the exclusive area of one or the other of the parties, but said areas shall be subject to adjustment from time to time under conditions set forth herein.

2. Subject to limitation and adjustment from time to time as herein provided, the areas to be served by Public Service shall be as shown on Exhibit 3 and described in Exhibit 3a attached hereto and made a part hereof, which are herein referred to as Public Service exclusive areas.

For the purposes of this Agreement, all territory within the present and future corporate limits of the municipalities of DeBeque, Fruita, Grand Junction, Palisade and such other cities or towns where Public Service is supplying electric service under the terms of franchises granted by said cities or towns are also included in said areas.

3. Subject to limitation and adjustment as herein provided, the areas to be served by Grand Valley shall be as shown on Exhibit 4 and described in Exhibit 4a attached hereto and made a part hereof, which are herein referred to as Grand Valley's exclusive areas.

4. It is understood that a portion of the area included in Grand Valley's exclusive area as provided in Section 3 is in the Redlands area certificated to

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Public Service by Decision No. 29730 of January 15, 1948. In its application to the Public Utilities Commission for approval of service areas as provided in Section 6, of Article III hereof, Public Service will secure a separate relinquishment from said certificated area of any area so situated.

5. The parties hereto agree that the right and obligation of Public Service to serve all 100 KW or larger electric loads within the Grand Junction District as said District is defined in P.U.C. Decision No. 27071, is hereby modified.

After the date of this Agreement as hereinafter set forth, Public Service shall serve only the industrial electrical loads estimated to be greater than 1,000 KW, within Grand Valley's exclusive portion of said District, the only exception being that extractive industries having electrical loads estimated at 100 KW or more shall also be served by Public Service. It is agreed that the term "extractive industries" shall be as defined by the Standard Industrial Classifications (SIC), published by the U. S. Office of Management and Budget (1972), as Division B, Mining; major groups No. 10 through 13 and 14 (except for group no. 144, Industry nos. 1442 and 1446). The foregoing electrical load estimates shall be the maximum electrical demand estimated by Public Service to occur within the first five years after the date of initial operations based on equipment information supplied by customers. Public Service shall furnish to Grand Valley such information and load analyses to substantiate load.

6. In the event any portion of the area to be served by Grand Valley as provided herein, is hereafter annexed to a city or town where Public Service possesses an electric franchise or permit or other regulatory authorization, thereafter, within sixty (60) days after the effective date of such annexation, and upon tender of the compensation provided to be paid by Public Service to Grand Valley pursuant to paragraph 1(b) of Article III, or an optional exchange by Public Service of customers and facilities of its area for the annexed areas, Grand Valley will cease serving its then existing customers being served within such annexed area and, subject to release of interest by the Rural Electrification Administration of the U. S. Department of Agriculture or other lien holders, if

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any there be, sell its electric distribution facilities within such annexed area to Public Service. Grand Valley will not serve any new customers in any such annexed areas.

In the event of such annexations, Public Service will transfer and exchange from its areas as herein described an area or areas equal in acreage to that of the area or areas annexed, provided that such obligation to transfer exchange areas shall not accrue until more than 3,742 acres have been annexed and are served by Public Service. With respect to subsequent annexations, Public Service will transfer to Grand Valley equal acreages contiguous to Grand Valley areas. During the period that said amount of 3,742 acres is being credited, Grand Valley will transfer customers and facilities and Public Service will pay Grand Valley therefor as provided in paragraph 1 (b) of Article III, provided that Public Service may at its option elect to exchange portions of its area for annexed areas. The area at Walker Airport that is undevelopable, such as runways, taxiways and setbacks prescribed by the Federal Aviation Administration, if and when annexed, shall be excluded for the purpose of computing acreage to be transferred.

The term "city" or "town" as used herein shall apply to any city or town within the meaning of such term under the constitution or laws of the State of Colorado, but shall not apply to any quasi-municipal corporation, district, super-district, super-municipality, or other type of community created for a special purpose and of limited municipal power, or which may consist of one or more cities or towns, with each retaining its respective corporate identity.

7. This Agreement shall not affect or in any way determine the service areas of Public Service in any areas other than those made the subject of this Agreement. Public Service shall not render any electric service to customers within the service territory of Grand Valley from and after

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the transfer and exchange of facilities herein contemplated except as herein provided or except upon a specific order of P.U.C. in which Public Service is ordered and directed to extend its facilities to render such service.

8. This Agreement shall not affect or in any way determine the service areas of Grand Valley in any areas other than those made the subject of this Agreement. Grand Valley shall not render any electric service to customers within the service territory of Public Service from and after the transfer and exchange of facilities herein contemplated, except as herein provided, or except upon a specific order of the P.U.C. in which Grand Valley is ordered and directed to extend its facilities to render such service.

9. Nothing herein contained shall be construed to restrict the right of either party to continue to operate existing transmission lines which are not used to serve ultimate consumers, and associated primary substations and primary distribution feeder lines or to construct new transmission lines or primary substations or primary distribution feeder lines in areas served by the other party if necessary to meet the electric requirements of the public served by the parties in their respective service areas.

ARTICLE II

CUSTOMERS AND FACILITIES

1. Public Service; on the closing date hereinafter set forth, shall:

- (a) Sell or exchange, convey, transfer and assign to Grand Valley all of its electric distribution facilities located within the exclusive service territory of Grand Valley, as hereinbefore agreed to, subject however, to the exclusions set forth in Paragraph 5 of this Article II.

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- (b) Transfer all of its electric customers located within said exclusive service territory of Grand Valley to Grand Valley.
- (c) Transfer and assign to Grand Valley, in accordance with the provisions of Paragraph 5, Article I hereof, the right and obligation of Public Service to serve the 100 KW and larger electrical loads now served by Grand Valley in the Grand Junction District, namely:

Holiday Inn, 755 Horizon Drive, Grand Junction

Ramada Inn, 718 Horizon Drive, Grand Junction

Fruita-Monument School, 1815 J Road, Fruita

Bookcliff Country Club Pump, 2730 G Road, Grand Junction

Holly Beet Dump, 1850 Hiways #6 & 50, Fruita

Uranium Downs

In addition, Public Service shall also convey, transfer, and assign to Grand Valley, the facilities, rights and obligations to serve the following 100 KW or larger customers:

American Family Motel, 721 Horizon Drive, Grand Junction

Howard Johnson Motel, 752 Horizon Drive, Grand Junction

and other existing 100 KW or larger customers within the exclusive areas of Grand Valley that may be served by Public Service up to the execution of this Agreement.

2. Should Public Service at any time, in accordance with the provisions of Paragraph 5, Article I hereof, contract to supply electric loads 100 KW and larger as stipulated in said Paragraph 5, and which are located in the exclusive service territory of Grand Valley, Public Service may supply such electric service as follows:

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- (a) By the extension of its electric system in accordance with its Line Extension and Service Connection Policy.
- (b) By making arrangements for said electric loads to be supplied from the electric system of Grand Valley, in accordance with the following procedure:

At the request of Public Service, Grand Valley will serve, on an interim basis and to the extent of any surplus capacity available in Grand Valley's system, any of the loads specified in Paragraph 5 of Article I, to be served by Public Service during any periods of construction of the customer's plant or other facilities or development of the industrial load, provided Public Service will reimburse Grand Valley for any investment, and any direct costs of Grand Valley associated with serving such load from the electric system of Grand Valley. Grand Valley will make such investments only upon agreement by separate instrument by Public Service to so reimburse Grand Valley therefor, in the event Public Service may subsequently elect to serve such load by directly connecting it to the electric system of Public Service.

3. Grand Valley, on the closing date hereinafter set forth, shall:

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- (a) Sell or exchange, convey, transfer and assign to Public Service all of its electric distribution facilities located within the exclusive service territory of Public Service, as hereinbefore agreed to, subject, however, to the exclusions set forth in Paragraph 5 of this Article II.
- (b) Transfer all of its electric customers located within said exclusive service territory of Public Service served by Grand Valley, to Public Service as follows:
- (1) All electric customers then being served by Grand Valley and located within the City of Grand Junction, as the city limits existed on August 1, 1973.
 - (2) In areas other than the City of Grand Junction, as the city limits existed on August 1, 1973, each party, thirty days before the date of closing, shall tabulate the revenue of customers served in the exclusive area of the other party (except those customers referred to in Article II 1C). A list of customers of both parties shall be agreed upon whose annual total revenues are equal (within one thousand dollars) and those customers shall on the date of closing be transferred and exchanged.

4. All electric customers located in the exclusive territory of Public Service and served by Grand Valley and not required to be transferred to Public Service as provided in sub-paragraph 3(b) above, shall be designated as "retained" customers and shall continue to be served by Grand Valley from facilities owned by Public Service, until all such "retained" customers are transferred to Public Service as provided following:

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During the first ten years of the term of this Agreement, both parties will cooperate to exchange all possible retained customers with a minimum of 50 percent to be exchanged within such period. At the end of ten years, Grand Valley will transfer to Public Service, all remaining retained customers, according to the terms of this agreement.

5. Excluded from said facilities are the transmission lines, substations and primary distribution feeder lines, existing or hereafter constructed, the continuation or construction of which is provided in Section 9 of Article I, and transformers as provided in Section 1(b) and 2 of Article III.

6. (a) Facilities to be transferred shall include electric distribution facilities whose usefulness has ceased as a result of the rearrangement of lines.

(b) In addition to the electric facilities of the respective parties to be transferred hereunder, the parties hereto also covenant and agree to convey, transfer and assign all easements, rights-of-way or other occupancy rights with respect to public or private lands on which said lines and facilities are situated, except where such lines are attached to facilities which continue to be owned by the party making the transfer, in which latter case joint use rights will be reserved or granted. Each party shall separately convey, transfer or assign any instruments evidencing such easements or rights.

(c) Each party shall convey, transfer or assign by deed or bill of sale or other instrument in form satisfactory

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to the other party, its respective facilities as herein agreed. Where deemed necessary by the parties, descriptions of facilities or property to be transferred shall be in detail as to the number, size, and description of basic property units to be transferred.

- (d) In addition to the transfer of physical facilities as above provided, the parties hereto, subject to required approvals, shall assign and transfer in whole or in part, as appropriate, certificates of convenience and necessity, or other governmental or regulatory authorizations, or consents with respect to the property and electric customers herein agreed to be transferred.

7. In those instances where a distribution circuit to be transferred is attached to the poles of a transmission circuit, the continued attachment of said distribution circuit to said transmission poles shall be in accordance with a separate "Joint Use Agreement" to be entered into between the parties. Such Joint Use Agreement shall also provide for the attachment by either party to distribution poles owned by the other party where necessary or desirable to reduce or eliminate the duplication of pole lines, and will provide for identical conditions of use and payments to each of the parties when using facilities of the other. However, each party reserves the right to exclude any of its facilities from joint use. This Agreement is not contingent on execution of said Joint Use Agreement.

ARTICLE III

PURCHASE PRICE AND CONSUMPTION

OF CLOSING

1. It is understood and agreed that the consideration to be paid

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hereunder for the transfer and exchange of electric facilities, customers and properties shall be as follows:

(a) Electric Distribution Facility Compensation:

- (i) The pertinent electric distribution facilities used to serve customers referred to in paragraphs 1(b) and 1(c) Article II shall be transferred and assigned by Public Service to Grand Valley as an even exchange for the pertinent electric distribution facilities used to serve customers referred to in paragraphs 3(b)(1) and 3(b)(2) Article II to be transferred and assigned by Grand Valley to Public Service.
- (ii) For the sale and transfer of electric distribution facilities by Grand Valley to Public Service as provided for in subparagraph 4. of Article II hereof, Public Service shall pay Grand Valley \$ 350.00 - - - per customer transferred.

- (b) Annexed Customer Compensation: As compensation for the sale and transfer of the facilities and customers of Grand Valley within the annexed areas set forth in paragraph 6 of Article I, Public Service will pay to Grand Valley an amount equal to three and one-half times the revenue received by Grand Valley during the twelve-month period ending with the billing period immediately preceding the date of transfer; provided that, in the event Public Service exercises its option to exchange customers and facilities as provided in paragraph 6 of Article I, facilities transferred under this provision would exclude transformers.

3/1/74 *[Signature]*

3/1/74 *[Signature]*

As to customers annexed which Grand Valley has served for less than twelve months, the revenues will be based upon revenues for a twelve-month period beginning with Grand Valley's first service to such customers and including revenues received by Public Service after transfer, and settlement shall be made when said twelve-month period has expired.

- (c) "Retained" Customer Compensation: As compensation for transfer to Public Service of customers retained by Grand Valley as provided in subparagraph 4 of Article II hereof, Public Service will pay Grand Valley as such customers are transferred on the same basis as provided in (b) above, less the amount of \$ 350.00 per customer for facilities exchanged pursuant to (a) (ii) above.

2. Each party shall supply to the other, sixty days subsequent to the date of closing, a list enumerating capital additions, excluding transformers, made to the respective properties sold and exchanged hereunder which were made subsequent to October 26, 1973. Payment shall be made by the party acquiring said capital additions based upon the original cost of the same.

3. Each of the parties shall take all necessary and reasonable action to obtain public acceptance of this proposal, to obtain the approval of The Public Utilities Commission as provided in Paragraph 6 of this Article III, and to obtain such other approvals as may be required to effect the exchange of facilities and customers with the least possible inconvenience to the public and the customers involved, and at minimum cost to the parties.

4. Each of the parties shall supply to the other the following customer and rate data within thirty (30) days of the execution date of this Agreement.

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- (a) In the Grand Valley service territory, name, address, meter numbers, customer classifications and 1973 revenue data for each Public Service customer to be transferred to Grand Valley, and copies of rates and special contracts applicable to such customers.
- (b) In the Public Service service territory, name, address, meter numbers, customers classifications and 1973 revenue data for each Grand Valley customer to be transferred to Public Service; and copies of rates and special contracts applicable to such customers.
- (c) Each of the parties shall have reasonable access to the books or records of the other party for purposes of verifying data furnished as set forth in this Paragraph 4.

5. The initial date of closing shall be a date mutually agreed by and between the parties hereto, but shall in no event be later than one hundred eighty (180) days after the date the order of approval of the transfer and exchange contemplated hereunder by the P.U.C. becomes final. Closings shall take place in the office of Public Service in Grand Junction, Colorado.

- (a) At the time of initial and subsequent closings, each party shall deliver to the other party as many duly authorized and executed counterparts of the required closing instruments as may be reasonably requested, and each party agrees that it will execute and deliver any additional instruments of further assurance as may be requested by the other party to fully effectuate the intent and terms hereof. Neither party hereto shall be

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obligated to convey any property or to make any payment or tender pursuant to the terms hereof on the date of closing unless both parties hereto shall be prepared simultaneously to perform all of the acts required by this Agreement to be performed on the closing date.

- (b) Each of the parties shall take possession of the facilities to be acquired by it under the terms of this Agreement as set forth herein.
- (c) During the period that Grand Valley retains customers within Public Service service areas, Grand Valley shall be responsible for all service calls from any of its customers so retained involving any problem on the load side of the meter and with the meter. Public Service shall be responsible for all service calls from any such customers retained by Grand Valley involving problems on the line side of the meter. Any problems reported to Grand Valley relating to trouble on the line side of the meter shall be reported by Grand Valley to the Public Service electric trouble dispatcher, Grand Junction, Colorado. Any problems reported to Public Service on the load side of the meter or with the meter shall be reported to Grand Valley.

6. Prior to the date of the initial closing, and as a condition precedent to the consummation of the exchange, transfer and sale contemplated hereunder, the respective parties shall obtain the following approvals and authorizations:

- (a) Each of the parties hereto shall make application to The Public Utilities Commission of the State of Colorado for

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a Certificate of Public Convenience and Necessity authorizing service in the respective service areas herein agreed to. In addition, the parties hereto shall obtain any and all other authorizations, orders, consents or approvals required by any Federal, State or local authorities having jurisdiction in the premises.

- (b) Each of the parties hereto shall obtain any and all releases, consents or approvals from any party holding any lien, mortgage, deed of trust, or other encumbrance upon any of the property contemplated to be transferred and exchanged hereunder so that all of such property may be transferred and exchanged free and clear of any and all liens and encumbrances whatsoever with the exception of current taxes.

7. Copies of the above consents, releases, permits or approvals required to be obtained by either party hereto prior to the initial closing of this transaction shall be furnished to the other party for its examination at least ten (10) days prior to the closing date and at least ten (10) days prior to all subsequent closing dates.

8. Any amounts payable to either party under this Agreement shall be made by certified check or by such other method as the parties may agree.

ARTICLE IV

CUT-OVER AND TRANSITION PERIOD

1. The cut-over of facilities shall be accomplished as near as practicable in accordance with the following procedure:

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- (a) Not later than fifteen (15) days after the initial and subsequent closing dates, each of the parties hereto shall cause the meters of its customers, to be transferred and exchanged hereunder, to be read. If the party receiving said customers so desires, it may simultaneously read said meters. All meters shall be read within ten (10) working days commencing with the first meter reading.
- (b) Within five (5) days after all of said meters have been read, each party shall furnish to the other party a record of such meter readings so that each party will have a sufficient basis for future billing. The customers shall be transferred between the parties as of the date of final meter reading as herein described.
- (1) Within fifteen (15) working days after final meter readings have been made, final bills shall be rendered to all customers being transferred. Each party hereto shall be responsible for collecting such final bills of its respective accounts.
- (2) On or prior to the date of transfer of customers between the parties, each party hereto shall refund or cause to be refunded to its respective customers to be exchanged or transferred hereunder, any and all customers refundable deposits of every nature made by such customers and shall, to the extent legally possible, terminate or cause to be terminated any and all existing guaranteed revenue service agreements or contracts with any customer

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served by it to be transferred or exchanged hereunder. If any such service agreement or contract is not legally subject to termination, it shall be assigned to the other party hereto.

Refundable deposits as referred to herein, shall not relate to or include capital credits retained by Grand Valley for refund to patrons pursuant to adopted rules and regulations of Grand Valley.

2. Subsequent to the transfer of customers as set forth herein, arrangements for orderly exchange of facilities shall be made by a committee composed of operating personnel representing both parties. Said committee shall determine the most expeditious manner, creating the least inconvenience to customers of phasing in and cutting over of facilities to be exchanged and of changing of distribution transformers where necessary.

- (a) Each receiving party shall bear all costs of whatever nature incurred in revising, rearranging, rebuilding or reconnecting the facilities received from the other party and necessary to the operation of such facilities as a part of the distribution system of said receiving party.
- (b) At the time of cut-over of a particular line, to the extent required herein, the party receiving the line shall remove the distribution transformers of the party transferring said line and shall install thereon its distribution transformers necessary to render service at the operating voltage of the party receiving said line. All such transformers removed shall be tagged with a tag

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indicating the date, address of nearest customers served therefrom, and shall be delivered to the designated service center of the party owning same, at intervals agreed to. All such returned transformers shall be properly receipted for. In the event that any of the primary voltage transformers owned by customers of either party on lines to be transferred to the other party are unsuitable for use at the primary voltage of the other party's distribution system, the transferring party shall replace such transformers with suitable transformers at no expense either to the customer involved or to said other party.

- (c) On the same working day on which a particular line is cut-over, all meters served from said line shall be read by the party transferring the line for purpose of determining the energy supplied to "retained" customers of Grand Valley or customers of the other party during the period between the customer transfer and the line cut-over.

3. Each of the parties shall operate and maintain its respective facilities to be transferred until said facilities are cut-over and physically connected to the receiving party's system.

The time of possession by the party receiving facilities to be transferred from the transferring party shall be the date of cut-over of each section.

4. In the event that any new or additional customers should be required to be connected to a line which is to be transferred, in accordance

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with this Agreement, but which has not yet been cut-over, said connection shall be made in accordance with the following:

During the period of time subsequent to the date of this Agreement and prior to the closing date, extensions to new or additional customers shall be made by the party who will eventually serve said customers.

Subsequent to the closing date, extensions made to new or additional customers within a party's service territory as set forth in this Agreement, shall be made by that party. Electrical connection of this extension to the distribution line from which it is being extended shall be made by the party to whose distribution system the subject distribution line is still connected, provided that the other party shall be notified in advance of the date and time that such connection is to be made so that such party may be present if it so desires. Any costs for such connections shall be at the expense of the party building said extension.

When new or additional customers are connected after the closing date and prior to the date of cut-over, the party who will be billing said new or additional customers shall notify the other party of initial meter readings and of meter readings at time of cut-over for the purpose of computing energy supplied.

5. Where required or requested, both parties shall be present at times when cut-overs are made and when transformers are changed.

6. Upon completion of each cut-over, all energy consumed by customers that have been transferred hereunder shall be computed. The compu-

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tation shall be based on final meter readings as set forth in Paragraph 1, Article IV hereof and meter readings taken at the time of cut-over as set forth in Paragraph 2c, Article IV hereof. The party supplying the lesser amount of energy shall pay the other party at the rate of \$0.0112 per KWH, for the amount of the difference in KWH supplied, adjusted for the fossil fuel cost adjustment as set forth in the General Lighting and Power Service rate schedule of Public Service applicable in the area as filed and in effect from time to time with The Public Utilities Commission of the State of Colorado; payment of said reimbursement shall be made quarterly for the three preceding billing periods. Reimbursement for the cost associated with the temporary delivery of energy to retained customers of Grand Valley as provided in subparagraph 4 of Article II shall be made on the same basis.

7. The respective parties hereto shall pay all taxes of every kind and nature on or relating to the operation of their respective facilities to be sold and exchanged pursuant to this Agreement, to and including the date of closing, and shall also pay any and all transfer and other taxes which may come by reason of said sale and exchange, including without limitations any State sales taxes accrued and owing as of the dates of closing. All ad valorem taxes in respect of the respective facilities for the year 1973, payable in 1974, shall be paid by the party owning such facilities as of the date hereof, and there shall be no attempt to pro-rate such taxes. Each party shall indemnify the other and save such other party harmless against any liability with respect to its own share, as herein defined, of all taxes referred to in this paragraph of this Article IV.

ARTICLE V

MISCELLANEOUS

1. Except for the obligation to serve as a public utility which is

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assumed as customers of one party are transferred to the other party pursuant to this agreement, there shall be no general assumptions by either party of the other parties liabilities of any nature. Both parties recognize that there may be obligations to be performed under easements, crossing agreements, leases, licenses, franchises, joint use agreements, or other agreements assigned, transferred or assumed pursuant to this agreement.

2. Each party shall indemnify and hold the other party harmless from any loss or damage from any contractual obligations of the other party other than obligations knowingly assumed as set forth in paragraph 1. above.

3. Between the date of execution of this Agreement and the date of closing, neither party hereto shall enter into any contracts relating to its facilities which are to be sold and exchanged hereunder or the operation of such facilities, nor shall either party, during such period, sell or otherwise dispose of any part of its facilities which are to be sold and exchanged hereunder except such part or parts thereof as may be retired from service in the usual course of business. Upon the retirement from service of any such part or part the party owning the same shall, insofar as possible, forthwith make replacements thereof which will maintain the value of said facilities and their capacity to render service.

4. The respective parties hereto shall promptly take all necessary action to obtain all consents, releases, or approvals necessary to consummate this transfer and exchange, and in connection therewith agree to obtaining jointly an inventory of the facilities exchanged, and to render to each other all such assistance and cooperation as the respective parties may reasonably request, including appropriate sharing of costs, all in order to expeditiously carry out the terms and provisions hereof.

5. Except to the extent that some other standard is expressly provided herein, accounting terms such as "capital addition," "retirements,"

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"book cost," and the like shall be interpreted in accordance with the standards set forth in the Uniform System of Accounts for Electric Utilities prescribed by The Public Utilities Commission of the State of Colorado.

6. All notices hereunder to Public Service shall be sufficient if sent by registered mail or telegram, addressed to the Division Manager, Western Division, Public Service Company of Colorado. P. O. Box 849, Grand Junction, Colorado 81501. All notices hereunder to Grand Valley shall be sufficient if sent by registered mail or telegram, addressed to the General Manager, Grand Valley Rural Power Lines, Inc., 2727 Grand Avenue, Grand Junction, Colorado 81501. Either party hereto by written notice to the other party, may specify a different address for purposes of notification, and in each case, all notices thereafter sent shall be sufficient if sent to such address by the method prescribed above. All notices shall be deemed to have been given on the date of posting if sent by mail, or on the date of delivery to the sending office of the telegraph company, if sent by telegram.

7. This Agreement constitutes the entire agreement and understanding of the parties hereto with respect to the transfer, exchange and sale of facilities herein described and service by the respective parties to the affected areas. It is understood and agreed, however, that the parties hereto in their operations as public utilities are charged with the duty and responsibility of rendering electric service to the public in their respective service areas and that while the parties have earnestly and sincerely endeavored to resolve by this Agreement all of their respective operating problems, it is recognized that future problems may arise affecting the operations of the parties which have not and could not have been anticipated at this time because of the very nature of the public utility business and the ever-changing requirements and needs of the public involved. In recognition thereof, the parties hereto covenant and agree that in the event

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future conflicts arise with respect to their respective electric systems operations they will meet and negotiate in a bona fide manner toward the end of mutually resolving and agreeing upon a solution to any such conflicts toward the end of adopting a course of operations which will best serve the public interest.

8. This Agreement and any ancillary agreements entered into pursuant hereto shall be binding upon and inure to the benefit of the respective successors and assigns of the parties hereto, or of the successors and assigns of the parties to such ancillary agreements, as the case may be.

9. This Agreement may be simultaneously executed in any number of counterparts, and all such counterparts executed and delivered, each as an original, shall constitute but one and the same instrument.

10. In the event that either of the parties, after diligent effort, should be unable to obtain the authorizations and approvals as provided in Section 6 of Article III hereof, this Agreement shall terminate and be of no further force and effect.

IN WITNESS WHEREOF, each of the parties hereto has caused this Agreement to be signed, sealed and delivered by its duly authorized officers, all as of the day and year first above written.

ATTEST:

By

J. L. Birrell
Secretary

ATTEST:

By

R. E. Edling

PUBLIC SERVICE COMPANY OF COLORADO

By

James M. Hurd
Vice President

GRAND VALLEY RURAL POWER LINES, INC.

By

Paul E. Martin
President

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(Decision No. 85381)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 27513
PETER R. THORADE AND MARGARET L.)	
THORADE, DOING BUSINESS AS "MOUNTAIN)	RECOMMENDED DECISION OF
TAXI SERVICE," STAR ROUTE, BOX 159,)	ROBERT L. PYLE, EXAMINER
HOWARD, COLORADO 81233, FOR A CERTI-)	
FICATE OF PUBLIC CONVENIENCE AND)	GRANTING APPLICATION
NECESSITY AUTHORIZING OPERATION AS A)	
COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

- - - - -
July 16, 1974
- - - - -

Appearances: Robert P. Rush, Esq., Salida, Colorado,
for Applicants.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on April 17, 1974, to which the Commission assigned Docket No. 27513 and gave due notice in accordance with the provisions of 115-6-8(2), CRS 1963, as amended.

By Commission Decision No. 84930, dated May 7, 1974, Applicants were granted temporary authority and were operating said temporary authority at the time of hearing on this matter.

A protest was timely filed by David R. Smith, doing business as "Ghost Town Jeep Tours," Salida, Colorado; however, prior to the hearing it was apparently determined that Applicants' taxicab service would not compete with Protestant's jeep tour service, and the protest was withdrawn. Said Protestant did not appear at the hearing, and the matter was heard as a noncontested proceeding.

After due and proper notice to all interested parties, the application was set for hearing on Tuesday, July 9, 1974, at 10 a.m. in the City Hall Auditorium, 124 E Street, Salida, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibits A through G were tendered and admitted into evidence, and at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Applicants are husband and wife working as a partnership, doing business as "Mountain Taxi Service." Applicants presently hold no authority with this Commission.

2. By this application, Applicants seek a Certificate of Public Convenience and Necessity authorizing operation as a common carrier by motor vehicle for hire for the transportation of passengers within the corporate limits of the city of Salida, Colorado, and a metes and bounds area as described in Exhibit F and as set forth in the "proposed service area map," identified as Exhibit G.

3. Pursuant to Exhibit D, Applicants have a net worth of \$29,250 which includes cash and savings of a little more than \$3,500, all of which appears to be sufficient for the operation of the authority requested herein.

4. Applicants are presently operating a 1973 Ford Stationwagon and have an office in the city of Salida. The business is operated by the partnership and one drives the car while the other handles the telephone. The automobile can be radio dispatched. The equipment is sufficient for the operation of the authority.

5. Applicants have never operated a taxicab service, but have been in the transportation business for a period of nine years and are familiar with the rules and regulations of this Commission. Their experience and background make them suitable for the operation of the authority. Applicants have and will continue to carry insurance.

6. The application was supported by the mayor of Salida, by a resident of the Mt. Shavano Manor Home, and by the Executive Director of the Housing Authority of the city of Salida, all of whom expressed an urgent and immediate need for taxicab service within the city of Salida and its immediate environs.

7. There is presently no taxicab service available in the city of Salida, Colorado, and there is a present and special need for such service.

8. The present and future public convenience and necessity requires or will require the service requested herein.

9. The granting of the application will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The application should be granted as hereinafter set forth.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicants, Peter R. and Margaret L. Thorade, doing business as "Mountain Taxi Service," Star Route, Box 159, Howard, Colorado 81233, be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire for the following to-wit:

Transportation of

Passengers and their baggage in taxicab

Between all points located within the following described area: Beginning at the northwest corner of Section 33, Township 51 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along section lines to the northeast corner of Section 35, Township 51 North, Range 8 East of the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 11, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence easterly along section lines to the northeast corner of Section 16, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 33, Township 50 North, Range 9 East of the New Mexico Principal Meridian; thence easterly along section lines to the northeast corner of Section 5, Township 49 North, Range 10 East of the New Mexico Principal Meridian; thence southerly along section lines to the southeast corner of Section 29, Township 49 North, Range 10 East of the New Mexico Principal Meridian; thence westerly along section lines to the southwest corner of Section 25, Township 49 North, Range 9 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 24, Township 49 North, Range 9 East of the New Mexico Principal Meridian; thence westerly along section lines to the southwest corner of Section 18, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 7, Township 49 North, Range 8 East of the New Mexico Principal Meridian; thence westerly along section lines to the southwest corner of Section 5, Township 49 North, Range 7 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 29, Township 50 North, Range 7 East of the New Mexico Principal Meridian; thence easterly along section lines to the northeast corner of Section 29, Township 50 North, Range 8 East of the New Mexico Principal Meridian; thence northerly along section lines to the northwest corner of Section 33, Township 51 North, Range 8 East of the New Mexico Principal Meridian, being the point of beginning.

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

2. Applicants shall file tariffs of rates, rules, and regulations as required by the rules and regulations of this Commission within twenty (20) days from date.

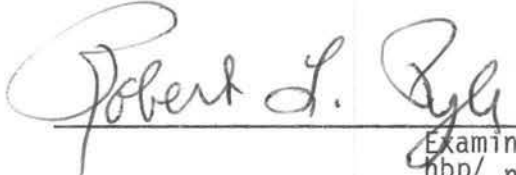
3. Applicants shall operate their carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

4. This Order is subject to compliance by Applicants with all present and future laws and rules and regulations of the Commission.

5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp/ nlr

(Decision No. 85382)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RATES AND CHARGES)
CONTAINED IN TARIFF REVISIONS FILED)
BY PUBLIC SERVICE COMPANY OF COLORADO)
UNDER ADVICE LETTER NO. 190 - GAS)
AND UNDER ADVICE LETTER NO. 643 -)
ELECTRIC.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 868

ORDER GRANTING
PETITION TO INTERVENE

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 9, 1974 Darold and Amye Martin, et al, by their attorney Tucker K. Trautman, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

On July 12, 1974 the Board of County Commissioners of Pitkin County, by their attorneys Clark, Oates, Austin & McGrath, filed with the Commission a Petition for Leave to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioners for intervention are persons who may or might be interested in or affected by any order which may be entered in this proceeding and that the interventions should be authorized.

By Decision No. 85241, the Commission has set the within matter for hearing at 10:00 A.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado 80203, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

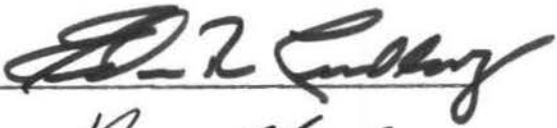
O R D E R

Darold and Amye Martin and the Board of County Commissioners of Pitkin County be, and hereby are, granted leave to intervene in the above-entitled investigation and suspension docket.

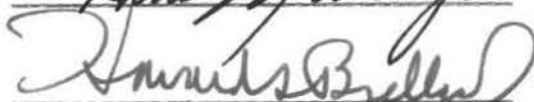
This order is effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
TARIFFS AND CONTRACTS FILED BY SOUTH-	)	DOCKET NO. 853
EAST COLORADO POWER ASSOCIATION,)	
LA JUNTA, COLORADO, UNDER ADVICE	)	RECOMMENDED DECISION OF
LETTER NO. 12.	)	EXAMINER ROBERT L. PYLE,
)	
	)	PERMANENTLY SUSPENDING TARIFFS

- - - - -
July 15, 1974
- - - - -

Appearances: Thomas T. Farley, Esq., Pueblo, Colorado,
for Respondent;
Bruce C. Bernstein, Esq., Denver, Colorado,
for the Staff of the Commission.

PROCEDURE AND RECORD

On March 6, 1974, Respondent, Southeast Colorado Power Association, filed its Advice Letter No. 12. Docket No. 853 was assigned to the matter.

On April 2, 1974, in Decision No. 84763, the Commission suspended the effective date of the tariff and set the same for hearing to commence May 29, 1974, at 10 a.m. in La Junta, Colorado, and gave due notice of same.

On May 28, 1974, the hearing previously set for May 29, 1974, was stricken and the matter reset upon due notice to commence June 24, 1974, at 10 a.m. in La Junta, Colorado, at which time it was heard by Robert L. Pyle, Examiner, to whom it had been assigned pursuant to law.

By agreement of the Respondent and the Staff of the Commission, Investigation and Suspension Docket No. 853 was heard concurrently with Investigation and Suspension Docket No. 858.

Exhibits 1 through 17 were offered by Respondent and admitted into evidence. Testimony was given by Mr. Crowley of Respondent company.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. Respondent is a public utility subject to the jurisdiction of this Commission.

2. This Commission has jurisdiction over the Respondent and the subject matter of this proceeding.

3. The purpose of Advice Letter No. 12 is to file with the Commission and place into effect a tariff for a new schedule denoted by Respondent as Large Power Special, not previously filed with the Commission.

4. The classification and rates contained in Advice Letter No. 12 have been offered by Respondent, under contract, to six of Respondent's customers, to-wit: Arkansas Valley Feed, Baca Feed Lot, C. G. Cruickshank, Gene & Claude Hammit, Law Farms and Western Alfalfa Co., for seven or more years despite the fact that said classification, rate and contracts were not filed with the Commission. All such contracts are presently expired.

5. Providing power under the rates contained in Advice Letter No. 12 has caused Respondent an annual loss of approximately \$46,748 in 1973, and Respondent has been suffering a loss with regard to service for these six customers for many years, and will continue to do so if the proposed rates are allowed to go into effect.

6. Allowing the rates proposed in Respondent's Advice Letter No. 12 to become effective will require Respondent's other customers to subsidize these six customers.

7. The rates proposed in Advice Letter No. 12 are unjust and unreasonable.

8. None of the operations, characteristics, or power usage of any of these six customers is so unique so as to justify placing any of these six customers in a special rate classification separate and apart from Respondent's other rate classifications.

9. No evidence has been presented to justify the creation of rate classification Large Power Special as proposed in Advice Letter No. 12, and said rate classification is, in fact, found to be unjustly discriminatory.

10. Respondent is currently undertaking a cost-of-service survey due to be completed on or about September 30, 1974. The financial condition of Respondent is such that this Commission should have the opportunity to examine the cost-of-service study upon its completion.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. The tariffs contained in Advice Letter No. 12 are in violation of law as being unjust and unreasonable.

2. The rate classification of Large Power Special as contained in Advice Letter No. 12 is in violation of law as being unjustly discriminatory.

3. The tariffs contained in Respondent's Advice Letter No. 12 should be rejected.

4. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariffs contained in Respondent's Advice Letter No. 12 be, and hereby are, permanently suspended.
2. Respondent be, and hereby is, ordered to place each of the following customers into each customer's proper rate classification according to Respondent's rate classification currently on file with and approved by this Commission, to-wit:

Arkansas Valley Feed
Baca Feed Lot
C. G. Cruickshank
Gene & Claude Hammit
Law Farms
Western Alfalfa Co.
3. Respondent be, and hereby is, directed to file with this Commission Respondent's cost-of-service survey by September 30, 1974, or as soon thereafter as said survey can be completed.
4. A copy of this Order shall be served upon the six affected customers noted in ordering paragraph 2.
5. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.
6. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
hbp/nlr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
JAMES S. MYK, DOING BUSINESS AS	)	APPLICATION NO. 27707-ETA
"MYK RUBBISH REMOVAL," RFD # 3, BOX)	
277 B, BRIGHTON, COLORADO FOR EMER-	)	ORDER GRANTING EMERGENCY TEMPORARY
GENCY TEMPORARY AUTHORITY TO OPERATE	)	AUTHORITY
AS A COMMON CARRIER BY MOTOR VEHICLE.)	

- - - - -
July 16, 1974
- - - - -

The above entitled application under CRS 1963, 115-6-20, being under consideration, and

IT APPEARING, That on September 19, 1972, the Commission entered Decision No. 81315 which revoked Applicant's authority under Certificate of Public Convenience and Necessity PUC No. 3259 for failure to file a tariff as required by law and the rules and regulations of this Commission. Applicant herein advises the Commission that said failure to file required tariff was due to a misunderstanding and oversight, and that he had not received a copy of this Commission's Order revoking Certificate of Public Convenience and Necessity PUC No. 3259, as mail had been removed from his mailbox by persons unknown. He has continued to operate in good faith.

IT FURTHER APPEARING, That failure to immediately grant emergency temporary authority may result in undue delay in availability of equipment to satisfy shippers needs.

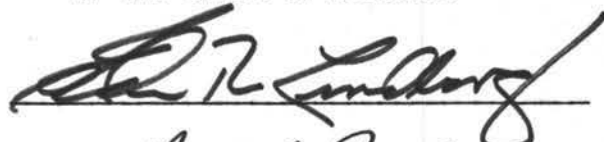

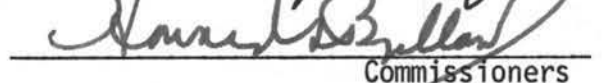
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant named in the caption above be granted emergency temporary authority to operate as a Common Carrier by motor vehicle for hire for a period of fifteen (15) days commencing as of the day and date hereof, with authority as set forth in the Appendix attached hereto.

IT IS FURTHER ORDERED, That no operations shall be commenced until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and service may be instituted.

DONE IN OPEN MEETING the 16th day of July 16, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 85384
July 16, 1974

Myk Rubbish Removal

Transportation of

Ash, trash, and other refuse

From all points located within the City and County of Denver, as the boundaries appeared on January 16, 1956, to such locations where the same may lawfully be delivered or disposed of.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
FRANK H. WALSH, DOING BUSINESS AS)	
"PITKIN TRASH REMOVAL," P. O. BOX)	APPLICATION NO. 27598
30, STERLING, COLORADO FOR AUTHORITY)	
TO OPERATE AS A COMMON CARRIER BY)	ORDER OF THE COMMISSION
MOTOR VEHICLE.)	

- - - - -
July 23, 1974
- - - - -

Appearances: Graydon F. Dowis, Esq., Sterling, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); and that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants the grant of authority as hereinafter ordered;

WE FIND, That the present or future public convenience and necessity requires or will require the transportation service as hereinafter ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be granted a Certificate of Public Convenience and Necessity to operate as a common carrier by motor vehicle for hire with authority as set forth in Appendix "A" attached hereto, and this Order shall be taken, deemed and held to be a CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY therefor.

IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.




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

IT IS FURTHER ORDERED, 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.

AND IT IS FURTHER ORDERED, That this Order shall become effective
twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Appendix
Decision No. 85385
July 23, 1974

Pitkin Trash Removal

Transportation of

Ash, trash, and other refuse

From all points located within the following described area:

- 1) The town of Pitkin, Colorado and a two mile radius thereof;
- 2) Ohio City, Colorado and a 2 mile radius thereof

to such locations where the same may lawfully be delivered or disposed of.

(Decision No. 85386)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN E. VAUGHN, DOING BUSINESS AS)
SANGRE DE CRISTO SANITATION COMPANY,)
FOR CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 27662
ORDER GRANTING PETITION
FOR LEAVE TO INTERVENE

July 16, 1974

STATEMENT AND FINDINGS IN FACT

BY THE COMMISSION:

On July 3, 1974 Fred M. Little, by his attorney Elizabeth Conour, filed with the Commission a Petition to Intervene and Protest in the above case.

The Commission states and finds that petitioners for intervention are persons 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.

An appropriate order will be entered.

O R D E R

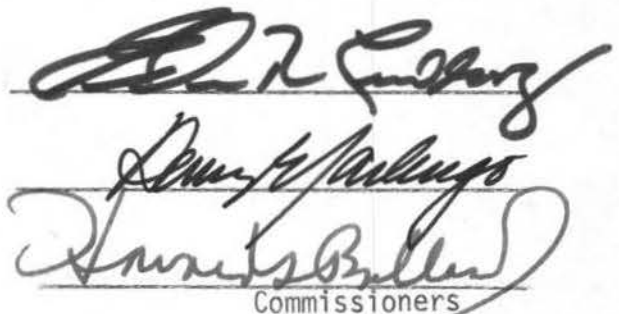
THE COMMISSION ORDERS THAT:

Fred M. Little be, and hereby is, granted leave to intervene in the above-entitled case.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

jp

(Decision No. 85387)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY)
UNDER ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

ORDER GRANTING
PETITION TO INTERVENE

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 12, 1974 The Board of County Commissioners of Pitkin County, by their attorneys Clark, Oates, Austin & McGrath, filed with the Commission a Petition to Intervene in the above investigation and suspension docket.

The Commission states and finds that petitioner for intervention is a person 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.

By Decision No. 85240, the Commission has set the within matter for hearing at 2:00 P.M., July 17, 1974 at 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place a conference will be held for the purpose of discussing additional hearing dates and procedures for the presentation of testimony and other evidence. It is also noted that parties and counsel are permitted, but not required, to submit written comments and/or proposals with respect to hearing dates and procedures for the presentation of testimony and other evidence on or before 10:00 A.M., July 10, 1974.

An appropriate order will be entered.

O R D E R

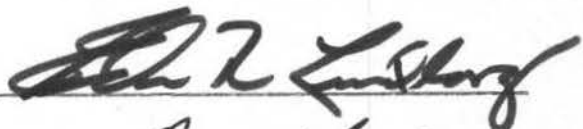
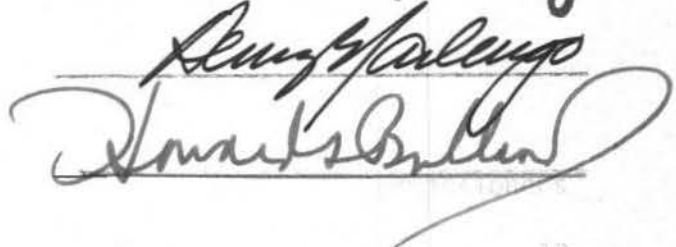
THE COMMISSION ORDERS THAT:

The Board of County Commissioners of Pitkin County be, and hereby is granted leave to intervene in the above-entitled investigation and suspension docket.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

(Decision No. 85388)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF RULES AND REGULATIONS)
GOVERNING CONTRACT CARRIERS BY MOTOR)
VEHICLE.)

CASE NO. 5545

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

ADOPTING RULES GOVERNING
CONTRACT CARRIERS BY
MOTOR VEHICLE.

- - - - -
July 16, 1974
- - - - -

Appearances: Thomas J. Burke, Jr., Esq., and
Alvin J. Meiklejohn, Jr., Esq.,
Denver, Colorado, for Trans-
Western Express, Ltd.; Rio Grande
Motor Way, Inc.; Larson Transportation
Company; Northwest Transport Service,
Inc.; Edson Express, Inc.; South Park
Motor Lines; and The Regular Route
Common Carriers' Conference of the
Colorado Motor Carriers Association,
Intervenors;
James H. Mosley, Esq., Denver, Colorado,
for Colorado Cattlemen's Association;
Colorado Cattle Feeders Association; Colorado
Wool Growers Association; Colorado Farm Bureau;
and Rocky Mountain Farmers Union, Intervenors;
Ernest Porter, Esq., Denver, Colorado,
for Stockton & Lewis, A. L. Atwood,
Franch Transportation Company, doing
business as "John Bunning Transfer Co., Inc.;
Fowler & Sons Trucking, Inc.; Thacker Bros.
Transportation, Inc.; Lewis E. McLaughlin;
Mathew Pappi; Steve Pappi; Mat Pappi, Jr.;
Bob Walker; Richard Smart; John Fresques;
Lloyd Chavez; Mr. Burg; Ron Pappi; Ed Fresques;
Jeanette Iverson; S. W. Lindstrom; Robert E.
Adams; R. V. Coffey; Fred Kistler; L. R. McCoy
Co.; G & G Trucking; Omar Trucking; B & B
Trucking; J. M. Nelson; Leo Hernandez; Alfred
Hurtado; Dan Martinez, doing business as "Bay
Linx Co."; Raymond E. Christopher; James L. Boling;
Mr. Cure; Mr. McKinney; Dalam Trucking, Inc.;
Ashton Trucking Co.; Bill Hutchinson; Oscar Ashton;
Russell Ashton; Careys Trucking; Jack Millard;
Dennis Graham; Norman Findley; Henry Reffel;
George Murray; Nick Ruiz; Chuck Veltry; Merle Roberts;
Gene Comacho; Bob Renard; Otis Bottoms; Howard
Spurlock; Ray Solema; Roger Dinato; Joe Adams;
Dick McClusky; Less Hemeback, Wolverine Trucking Co.;
Walt Trujillo, Intervenors;

John J. Conway, Esq., Denver, Colorado, for
 The Contract Carriers' Conference, A & A Truck
 Lines, Inc.; Ashton Trucking Co.; Becker and Sons,
 Inc.; Clifford M. Burbridge, doing business as
 "A. T. Burbridge Truck, Inc."; Jim Chelf, Inc.;
 Freight Service, Inc.; William C. Kerst, doing
 business as "Kerst Trucking"; and C. M. Morey,
 doing business as "Star Motor Freight Lines,"
 Intervenors;

Joseph F. Nigro, Esq., Denver, Colorado, for
 Murph's Express, Inc.; Thomas & Son Transfer
 Line, Inc.; Weicker Transfer & Storage Co.,
 Intervenors;

Rudolph Schware, Esq., Denver, Colorado, for
 The Colorado Dump Truck Owners Association;
 John Barkey; John M. Burbank, Jr.; Andrew Earthman;
 Lee Higginbotham; Elwood M. Jewell; Marcus L.
 Norton, Jr.; Charles E. Stone; Harold Voight,
 Intervenors;

Robert G. Shepherd, Jr., Esq., and William Andrew
 Wilson, Esq., Denver, Colorado, for
 A-Aurora Removal Service; Allied Sanitation;
 Arvada Rubbish Removal; Aurora F & S Sanitary
 Carriers; Aurora Trash, Inc.; B & W Disposal
 Service; Bestway Disposal; Braaksma & Son, Inc.;
 Brantner Trash Service; Brite'n Best Rubbish
 Removal; J. W. Burbach, Jr.; Colorado Disposal,
 Inc. (Boulder and Englewood); Decker Disposal;
 Gregorio & Sons Trash Hauling; Donnel Trash
 Service; Don's Hauling; E-Z Refuse Service, Inc.;
 Fountain Valley Disposal Co.; Joe Gonzales;
 Grand County Sanitary Landfill & Trash Removal;
 Hall Rubbish Removal; Hize! Rubbish Removal;
 Industrial Disposal; Jacoby Rubbish Removal;
 Kembel Rubbish Removal; Moore Sanitation;
 Clarence Praznik; Refuse Management, Inc.;
 Rodriguez Trash Service; S & S Sanitation;
 George Schimpf, Jr.; Security Garbage Co.;
 Star Disposal; Alfred Strassheim; Superior
 Sanitation, Inc.; U.S.D.S. (United States Disposal
 Systems, Inc.); Ed Walters; The Way Rubbish Removal
 Co.; Western Trash Service; Yellow Barrel Disposal;
 S.C.A. Services, Intervenors;

John P. Thompson, Esq., Denver Colorado, for
 Overland Motor Express, Inc., doing business as
 "Boulder-Denver Truck Line"; Eugene Marrone,
 doing business as "Marrone Trucking," Intervenors.

John E. Archibold, Esq., and Bruce C. Bernstein, Esq.,
 Denver, Colorado, for the Staff of the Commission.

PROCEDURE AND RECORD

Under date of January 29, 1974, by Decision No. 84445, the Commission entered its ORDER INSTITUTING RULE-MAKING PROCEEDING, NOTICE THEREOF, and NOTICE OF HEARING. This Decision served to give notice that the Public Utilities Commission of the State of Colorado proposed to revise its Rules and Regulations Governing Contract Carriers by Motor Vehicle, as defined in 115-11-1, CRS 1963, as amended, which Rules, if adopted, would supersede and replace existing Rules and Regulations Governing Contract Carriers by Motor Vehicle heretofore adopted in Case No. 5177, save and except Safety Regulations adopted by Commission Decision Nos. 76078 and 79611, and the Commission's Rules of Practice and Procedure.

By the aforementioned decision, the Commission set the matter for hearing on Wednesday, March 20, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which time and place, the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned. Hearings were continued from time to time, including two night hearings for the convenience of interested parties, and finally concluded on April 12, 1974. At the conclusion of the hearing, parties wishing to do so were given the opportunity to file written arguments, statements of position, objections, and suggestions; and eleven intervening parties did file such documents. Also at the conclusion of the hearing on April 12, 1974, a Stipulation was entered into consisting of seven pages of transcript between John J. Conway and counsel for the Staff of the Commission concerning the testimony of Ashton Trucking Company, William C. Kerst, doing business as "Kerst Trucking," and Harley Morey of Star Motor Freight Lines, the gist of which concerned certain testimony from the parties named as being so stipulated. Notice was taken by the Examiner as to said stipulation, which was read into the record and which is a part of the record of this proceeding. There was also a stipulation concerning the testimony of five other witnesses whose testimony it was agreed would be cumulative.

Official notice was taken of the following:

1. Statutes of the State of Colorado, Chapter 115, CRS 1963:

- a. Article 1, Sections 1, 2, and 3;
- b. Article 2, Section 9;
- c. Article 3, Sections 1, 2, 3, 4, 5, 6, and 11;
- d. Article 4, Section 3;
- e. Article 6, Sections 7, 8, 10, 11, and 20;
- f. Article 9, Sections 1, 2, 4, 5, 17, and 20;
- g. Article 11, Sections 1, 2, 3, 4, 5, 6, 7, 10, 16, and 17;
- h. Article 12, Sections 1, 2, 3, 5, 6, and 7.

2. Rules of Practice and Procedure of the Public Utilities Commission:

- a. Rule 4;
- b. Rule 8;
- c. Rule 14;
- d. Rule 19;
- e. Rule 20;
- f. Rule 27;
- g. Rule 29; and
- h. Appendix H.

3. Public Utilities Commission Report to the Legislative Study Committee, "Freight Motor Carrier System," dated June 30, 1967, Vol. II, pp. 102-248, and particularly the following pages:

- a. pp. 121-124;
- b. pp. 144-146;
- c. pp. 153-154;
- d. pp. 157-159;
- e. p. 162;
- f. p. 167;
- g. pp. 186-190;
- h. p. 202;
- i. pp. 209-210;
- j. pp. 211-219;
- k. pp. 244-253.

4. 3-16-2, CRS 1963.

5. Senate Bill No. 208 (as introduced in the Legislature).

Copies of the above items are not attached hereto because of the indication by the Examiner that such would not be necessary in this instance. If it later is required that a copy of any of the foregoing items be filed, counsel for the Contract Carriers' Conference will file same upon notification.

Exhibits 1 through 21 were tendered and admitted into evidence and during the course of the hearing, 33 witnesses from segments of the trucking industry and from members of the public, plus members of the Staff of the Commission, testified concerning the matters involved in this proceeding. The testimony of others, as indicated above and read into the record, was stipulated to. Besides the parties indicated in the "Appearances" who made formal MOTIONS TO INTERVENE, the file reveals letters from 16 individuals who wrote to the Commission expressing an interest in the proceeding. During the course of the hearing, there were from 100 to 150 persons present most of the time.

During the course of the hearing, there was filed on behalf of the "sand and gravel," otherwise known as "dump truck," operators, now operating under Class "B" Permits, a MOTION FOR EXCLUSION FROM THE APPLICATION OF RULES PROPOSED FOR CONTRACT CARRIERS IN CASE NO. 5545, which Motion was taken under advisement. The Motion requested an exemption from the application of the Rules, particularly Rule No. 11 and Rule No. 12 to the carriers who submitted it. In view of the findings, conclusions, and proposed Order, said Motion is now moot and is, therefore, denied.

At the conclusion of the hearing, the subject matter was taken under advisement. The Examiner has now reviewed the entire file, taken notice of the documents and stipulations mentioned above, and reviewed the several statements and arguments as submitted by the parties and has now reached a decision.

Pursuant to the provisions of Chapter 115, Article 6, CRS 1963, as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. By Commission Decision No. 84445, dated January 29, 1974, the Public Utilities Commission of the State of Colorado instituted Case No. 5545 for the purpose of considering the adoption of new and revised Rules and Regulations Governing Contract Carriers by Motor Vehicle, as defined in 115-11-1, CRS 1963, as amended; this is a rule-making or quasi-legislative proceeding.

2. The proposed Rules, if adopted, would supersede and replace existing Rules and Regulations Governing Contract Carriers by Motor Vehicle heretofore adopted in Case No. 5177, save and except Safety Regulations adopted by Commission Decision Nos. 76078 and 79611 and the Commission's Rules of Practice and Procedure.

3. The Order and Notice instituting Case No. 5545 was issued pursuant to the authority contained in Section 115-2-9, 115-11-5, and 115-11-9, CRS 1963, as amended, and other pertinent provisions of the Public Utilities Law and the Colorado Administrative Code, 3-16-1, CRS 1963, as amended.

4. The purpose of the Rules, as promulgated by Staff and as expanded and changed by the Examiner following the taking of testimony is to streamline the Rules and Regulations pertaining to contract carriers by motor vehicle, to adopt and place into the Rules present Commission policy, to conform the Rules and Regulations to existing statutes of the State of Colorado as they pertain to the Public Utilities Commission and the motor carrier industry regulated by the Public Utilities Commission, and to better protect and serve the interests of the public as that interest pertains to contract carriers by motor vehicle.

5. The Rules and Regulations Governing Contract Carriers by Motor Vehicle, as proposed by Staff, cut the existing 29 rules down to 13 rules which, as indicated above, are in a more composite form and follow the existing policy and mandates of the Commission as they pertain to contract carrier motor vehicles. The Rules, as hereinafter set forth, are 15 in number, there having been added Rule No. 2 and Rule No. 13, which were not included in the Staff proposal. Therefore, all rules after No. 1 are stepped up or increased in number from that proposed by Staff, and Rules 11 and 12, identified throughout the testimony in this proceeding, are now Rules 12 and 14.

6. The existing motor carrier system under the jurisdiction of this Commission is as follows:

Common Carriers (freight):	823
I-Authorities (common):	2,013
Common Carriers (passengers):	155
Common Carriers (air):	60
Common Carriers (water):	1
Total Common Carriers:	3,052
Contract Carriers (multiple):	754
Contract Carriers (sand and gravel):	672
Contract Carriers (logs and poles):	83
I-Authorities (contract):	150
Total Contract Carriers:	1,659

Of the total 1,659 Contract Carriers, 57 are "A" carriers, and the remaining 1,602 are "B" carriers.

"M" carriers:	14,077
Towing carriers:	750

7. Under date of October 23, 1970, by Commission Decision No. 76151, generally referred to as the Curnow Decision, an Examiner of the Commission spelled out in detail the distinctions as between contract and common carriage and set out the requirements for an issuance of a permit to perform contract carrier service. This decision by an Examiner become the decision of the Commission by operation of law and the basics set forth therein have been followed with respect to contract carrier service since that date. Rule 2 of the Rules as hereinafter set forth contains the requirements that must be shown in order for the Commission to grant an application for contract carrier authority, which requirements are those set forth in much greater detail in the aforementioned Curnow Decision. Whereas the purpose of Rule 12 is to require existing contract carriers to properly carry out the functions of a contract carrier and not encroach upon or impair the service of common carriers, Rule 2 will require a showing of a need for and the intent to perform true contract carriage before a new contract carrier permit is authorized by the Commission. The Curnow Decision and subsequent decisions relating thereto were designed to follow the existing law and the Commission policy with respect to Contract Carriage and distinguish the two types of for-hire motor carrier service; common and contract.

8. The rule relating to transfers and encumbrances is quite similar to the rule now in force. In addition, it closely parallels the rule recommended by the Examiner in Decision No. 85215, "In the Matter of Rules and Regulations Governing Common Carriers by Motor Vehicle," which was Case No. 5544. One addition in these proposed rules should be explained. The recommended rule will not allow the transfer of a permit where all or part thereof may have become abandoned or allowed to become dormant. Dormancy is a little different than abandonment. While an operating right may not be abandoned, the holder thereof may not operate it. In such case it may well become dormant by non-user. Reactivation of such operating right, or portions thereof, is quite as damaging to existing carriers as is the issuance of a new permit. The public interest is not served if the effect of a transfer is to work economic hardship on common carriers. The question of the operations under a permit and the activity of a contract carrier which proposes to sell is definitely an issue in a contract carrier transfer proceeding. Where a permit has not been operated or has been operated only partially, the law conceives that the Commission will impose conditions protecting existing carriers. Additionally, the rule has been changed to be more in conformity with commercial practice under the Uniform Commercial Code which is now in force within the State of Colorado.

9. The provisions of proposed Rule 11, now Rule 12, should be adopted. They go far in curing what has become, under present Rule 18, at best wide misunderstanding and at worst outright circumvention of the law.

10. The chief difficulty encountered during the course of hearings on proposed Rule 11 (the "new contract rule") had to do with the nature of the contract of the contract carrier. It was the contention of many of the contract carriers testifying in opposition to the new contract rule that an informal continuing oral offer to transport goods at a shipper's request was the "contract" of the contract carrier. Under these arrangements, the shipper bears no obligations with respect to the contract carrier, e.g., either to tender the carrier a certain amount of freight in a certain amount of time, or to use the services of the contract carrier to the exclusion of other carriers. Varying with particular carriers, these oral offers, once taken up by a shipper, are variously noted on a pre-printed card, added to a customer list or put on a bill of lading (often a uniform short-form bill), on an invoice, or not at all. Many such contract carriers have hundreds and, in one case, in excess of a thousand customers with whom they allegedly had "contracts" within the meaning of present Rule 18 and the other laws governing contract carrier operations. When looked at in their totality, such contract carrier operations amount to serving the public indiscriminately. It would be unfair in a quasi-legislative proceeding such as this to name carriers who were "flagrant offenders" of the present rules governing contract carriage, or to point out carriers who, commendably, seemed to be in present compliance. This is not, to be sure, a complaint proceeding but rather a quasi-legislative exercise of the Commission's power to adopt rules and regulations so as to further sound regulation of carriers and to insure reliable, responsive transportation service to the public.

11. Adoption of Rule 12 will go far in meeting this goal. First, requiring the contract to be in writing will eliminate the various subterfuges under which much common carriage has been being performed by contract carriers, by disposing of contentions that pre-printed cards with blanks filled in, or bills of lading, or invoices, were memoranda of oral contracts. Requiring that contracts be in writing will tend, too, to eliminate controversies between a shipper and a contract carrier as to differences they may have as to their specific obligations under a contract.

12. Secondly, by requiring that each party's obligations must be set out in a contract and that unilateral, illusory or open-ended contracts do not meet the requirements of the rule, the tendency of contract carriers to serve the public indiscriminately by a continuing, unilateral offer to transport goods whenever a shipper calls will be substantially lessened. If shippers and contract carriers are bound to one another, with mutual obligations, in a bilateral contract with a definite term, the contract of the contract carrier will more closely reflect the attributes of contract carriage, i.e., to carry by special agreement, in a particular instance only, for a limited number of customers with whom the contract carrier has an initial contract.

13. Thirdly, the requirement that a copy of each contract entered into by a contract carrier must be filed with the Commission prior to the performance of any transportation will help Rule 12 to be self-enforcing. The mechanics of the rule's operation, in this regard, were blown completely out of proportion by testimony of contract carrier representatives. It was made particularly clear by Staff testimony that a separate contract need not be executed for each and every contract carrier shipment, but only at the outset of the contractual relationship between shipper and contract carrier. Thus, all the fears of massive bookkeeping chores by contract carriers are groundless. Where, however, a contract carrier wished to enter into contracts on a one-time basis with hundreds of shippers, the contract pre-filing requirements would indeed be burdensome. They are meant to be, because the providing of one-time service to hundreds of shippers, without a continuing contract, is common and not contract carriage. To make the providing of common carrier service burdensome to a contract carrier thus lands a self-enforcing quality to the rule, and its adoption, except as noted below, is in the public interest.

14. Historically, the transporters of sand and gravel ("dump truck operators"), haulers of logs and poles, and carriers transporting farm products (except livestock, bulk milk, and dairy products) have not particularly competed with existing common carriers and do not, thus, tend to impair their operations. These permits are almost never opposed when issued. It would be in the public interest for these generally small operators, which tend to be subject to widely fluctuating demands, to be exempt from the requirements of Rule 12 and instead made subject to the requirements of Rule 13 hereinafter set forth. This recommendation takes account of the unique circumstances of their businesses.

15. Lastly, many shippers expressed fears that the new contract rule would hinder the transportation of their traffic. It will do nothing of the kind. If a shipper needs genuine contract carriage, because of his particular private or personal need, the rule contemplates that he shall have it. If, however, his needs in truth and in fact are for common carriage, there are ample numbers of common carriers available to satisfy them. If there is a shortage of common carrier service in any part of the state, or if common carrier service is inadequate, the Commission's doors are always open to authorize new or additional common carrier service upon a showing of public convenience and necessity.

16. At the expense of repetition, but in order to emphasize, it is again pointed out that much of the testimony of those who oppose Staff proposed Rule 11, now Rule 12, went beyond the bounds of propriety. Much of it was made without any thought whatsoever as to the true purpose of the rule and some of it in fact was made for the purpose of covering up existing unlawful service such as using a contract carrier permit as a brokering service, and the use of trucks and drivers who do not even hold authority from this Commission. A great deal of the testimony was

made without any effort or attempt to apply the rule and have it operate as intended. Actually, if Rule 12, as hereinafter set forth, is followed and put into operation as intended, it will work to the benefit of the carriers, as well as the shipping public, in that it will allow both to better plan and obtain full use of equipment in shipping needs. In fact, it could result, and should result, in cheaper rates because of better utilization of equipment which will inure to the benefit of the shipper.

17. Another area of substantial controversy related to proposed Rule 12, which is attached as Rule 14, is that of rates and charges. Its intention as explained by the Staff is that this rule sums up present Rules 19, 20, and 21. Proposed Rule 12, now Rule 14, is intended to retain the substance of present Rules 19, 20, and 21, but to streamline those rules' expression. In other words, Rule 14, as attached, is intended to express existing law and Commission policy in a great deal fewer words than presently employed in Rules 19, 20, and 21 of the existing Contract Carrier Rules and Regulations.

18. It was contended that proposed Rule 12 (attached Rule 14) would not comply with the law in that no tariffs of minimum rates and charges are required to be filed by contract carriers. It is true that contract carriers will no longer be required to file a tariff of minimum rates and charges with this Commission. At the same time it should be remembered that, with the exceptions discussed above, all contract carriers will be filing written contracts with this Commission. This written contract will operate as a substitute for and in lieu of the tariff formerly required to be filed by contract carriers. Obviously, the charge for the contract carrier's service will be contained in this written contract.

19. It was also urged that proposed Rule 12 (attached Rule 14) would not comply with the statute which requires the Commission to prescribe minimum rates and charges for contract carriers, which minimum rates and charges will not be less than the rates and charges prescribed for motor vehicle common carriers for substantially the same or similar service. In this regard, the Examiner refers the parties to the provisions of the Rules of Practice and Procedure relating to prescribed rates. Those rules remain in full force and effect. Additionally, the purpose of proposed Rule 12 (attached Rule 14) is to stop contract carriers from charging less than motor vehicle common carriers for substantially the same or similar service. The contract of the contract carrier must conform to this rule. Where the Commission has prescribed or fixed rates for common carriers, that is the rate or charge which must be observed as a minimum by the contract carrier in compliance with proposed Rule 12, now Rule 14. Where the common carrier rate or charge is a "filed rate" not prescribed by this Commission, then that filed rate becomes the minimum for the contract carrier which is competing with the common carrier.

20. In reviewing proposed Rule 12, now Rule 14, it seemed to the Examiner that sound and effective administration of proposed Rule 12 required certain additional provisions. Thus, it is now made perfectly plain that the contract carrier's rates and charges must be spelled out in its contract, either written or oral, and that those rates and charges must not be less than the rates and charges of competing motor vehicle common carriers. The statute empowers the Commission to reject tariffs which are not in compliance with its rules and regulations. In view of the fact that the contract of the contract carrier will in the future be the essential equivalent of the tariff, the Commission must be empowered to reject contracts which are not in compliance with these rules or where the operations of a contract carrier under its contract would be unlawful. All parties, shipper and carrier alike, must understand that this rule must be observed. Therefore, if a contract carrier charges less than the lawful rates and charges as required by Rule 12, now Rule 14, the parties to the contract must understand that the undercharges will have to be assessed and collected by the contract carrier and paid by

the shipper or consignee (whoever is responsible for payment of the charges). Lastly, the Commission cannot tolerate evasions of this rule through rebates or other subterfuges. For these reasons, the Examiner recommends the additional paragraphs in proposed Rule 12, which is now numbered as Rule 14.

21. It is clear that, taking the state as a whole and viewing the entire motor carrier industry, contract carriers do in fact compete with motor vehicle common carriers; that the two classes of carriers do in fact provide substantially the same or similar service. While there may be isolated examples where such is not the case, speaking industry-wide or state-wide, this general finding is correct. Where these exceptions exist, the proposed rules and those herein recommended take care of the situation.

22. The rules governing contract carriers, as hereinafter set forth in the attached document, are in the public interest, are reasonable and are necessary for the effective administration of the provisions of Article 11 of Chapter 115, CRS 1963, as amended.

23. The rules in the attached document relating to rates, fares and charges are necessary to prevent contract carriers from charging less than motor vehicle common carriers for substantially the same or similar service.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above and foregoing findings of fact, it is concluded that:

1. Rules as set forth in the attached document should be adopted.
2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Rules Governing Contract Carriers by Motor Vehicle, as set forth in the attached document which is incorporated herein and made a part hereof by reference, are adopted as the Rules pertaining to said Contract Carriers under the jurisdiction of this Commission.

2. An opinion of the Attorney General of the State of Colorado will be sought regarding the constitutionality and legality of the herein rules and regulations as set forth in the attached document.

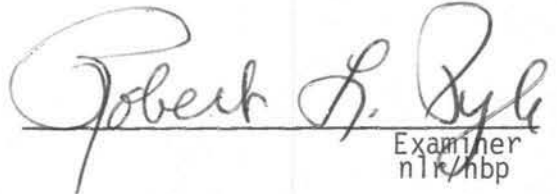
3. The Secretary of the Commission be, and hereby is, directed to file with the Office of the Secretary of State of the State of Colorado a copy of these Rules as set forth in the attached document, and when obtained, a copy of the opinion of the Attorney General of the State of Colorado regarding the constitutionality and legality of the same.

4. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

5. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days

after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
nlh/bp

Rules and Regulations
Governing Contract Carriers
By Motor Vehicle

RULE 1

Application of Rules

(a) These rules apply to all contract carriers by motor vehicle, as defined by 115-11-1(h), CRS 1963, as amended, hereinafter referred to in these rules as contract carriers. All such carriers shall at all times comply with these rules and all applicable statutes and laws of the State of Colorado.

(b) Nothing in these Rules shall alter, amend, modify, suspend, or otherwise affect specific provisions, limitations, or requirements in any permit heretofore or hereafter issued to any contract carrier.

(c) In addition to these Rules, contract carriers should refer to and must abide by the Commission's Rules of Practice and Procedure with respect to filings, annual reports, tariffs, rates, procedure, and other matters common to all carriers, as well as specific rules relating to particular subjects or to specific types of transportation.

RULE 2

Permit Required

An application for contract carrier authority shall be granted only upon a showing, to the satisfaction of the Commission, that:

1. The transportation service to be performed is in truth and in fact contract carriage in that it:

a. Is a specialized service designed and tailored to meet the needs of a particular shipper or limited segment of shippers;

b. Will not hold itself out to serve the general public indiscriminately, but rather will deal only with a specific and individualized type of service; and

c. Will serve only a present or future private or personal need.

2. The proposed transportation service will not impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes.

3. Applicant is fit, willing, and able to perform the services under the authority requested.

RULE 3

Transfer, Consolidation, Merger, and Acquisition of Control

(a) No contract carrier shall sell, lease, assign, mortgage, transfer, or create a security interest, by act or deed or by operation of law, or otherwise dispose of or encumber its permit, or any right or interest thereunder, by any means whatsoever, directly or indirectly, or merge or consolidate its permit, or any part thereof, with any other contract carrier or to anyone not a contract carrier, without first having received from the Commission an Order authorizing it so to do. Every such sale, lease, assignment, mortgage, encumbrance, transfer, merger, consolidation, or other disposition, made without the prior authorization of the Commission shall be void.

(b) Whenever any such permit, or rights obtained thereunder, are owned or held by a corporation, there shall not be any sale, lease, assignment, mortgage, transfer, or creation of a security interest of the capital stock of such corporation as will effectuate control of the corporation, and indirectly the permit held by it, without first having been authorized to transfer said control by the Commission. Every assignment or transfer of control, or agreement for assignment or transfer by any means whatsoever, in violation of the above provisions, without prior approval of the Commission, shall be void and of no effect.

For the purpose of this rule, control of the permit owned by said corporation shall be judged on the merits of each individual case, to the end that there shall be no control of the management of the corporation passing to any other person, or group of persons, other than those in control at the time ownership of the permit by the corporation was previously approved by this Commission.

(c) A transfer of a permit by means of foreclosure of a mortgage, deed of trust or other lien or encumbrance upon such permit, or by an execution in satisfaction of any judgment or claim against the holder thereof, shall not be effective without the approval of the Commission.

(d) An application for transfer shall be made in duplicate and shall contain all information concerning the transferee or transferees now or hereafter required in an original application. Applicants for a transfer of operating rights must further establish that:

(1) The transferee intends to, and will, engage in bona fide contract carrier operations under such operating rights;

(2) The transferor has been, and now is, engaged in bona fide contract carrier operations under such operating rights, except as such operating rights may have been suspended by the Commission; and further, that said operating rights or any part thereof have not been abandoned or allowed to become dormant.

(3) All the rights held under each permit are sought to be transferred, or that a split of such operating rights is in the public interest;

(4) The transfer will not result in the common control or ownership of duplicating or overlapping operating rights, or that such duplication or overlap is in the public interest.

(5) The transfer of the operating rights will be compatible with the public interest.

(e) The transferor must not cancel his insurance, surety bond, or contracts on file with the Commission until the Commission has approved the transfer, and until the transferee has filed all such documents in his own name.

(f) The transferee shall not begin operations until after the Commission has approved the transfer and until said transferee has filed all necessary documents with the Commission.

(g) No transfer shall become effective in any event for any purpose unless and until the transferee shall file a written acceptance with the Commission, accepting the terms and conditions of the Order allowing the transfer, and stating the exact date on which said transferee will begin and be responsible for operations under the permit. The acceptance shall also contain a statement, which must be signed by the transferor, to the effect that transferee has complied with all provisions of the agreement of sale, lease, or other transfer.

RULE 4

Extension of Permit Prohibited

(a) No contract carrier shall extend, or in any manner enlarge, diminish, change, alter, or vary the territory route or routes, or the service authorized by its permit, or serve any point, intermediate point, or customer, or transport any commodities not included therein, unless and until such contract carrier has made application to the Commission, and the Commission has authorized the same.

(b) No contract carrier may combine the authority granted in one permit with the authority granted in another permit to render a combination transportation service not authorized by either individual permit, unless so authorized by the Commission.

(c) No contract carrier shall hold itself out to serve the public indiscriminately either by way of advertising, by method of operation, or otherwise.

RULE 5

Suspension or Revocation of Permit

(a) A permit may at any time be revoked, suspended, altered, or amended by the Commission, after a hearing upon at least ten (10) days' notice to the contract carrier affected, for any of the following reasons:

(1) Violation of or failure to comply with any statutory enactments concerning contract carriers by motor vehicle.

(2) Violation of or failure to comply with the terms and conditions of the permit.

(3) Exceeding the authority granted in his or its permit.

(4) Violation of or failure to observe and comply with any lawful order, rule, or regulation of the Commission.

(b) Voluntary suspensions may be granted by the Commission without hearing on application upon such terms and conditions as the Commission may deem proper.

RULE 6

External Identification of Vehicles

(a) Each contract carrier shall cause to be marked on each side of the self-propelled vehicles used in its operations, in letters, not less than two and one-half inches in height, the following:

1. Name and address of carrier as set out in the permit.

2. Colo. P.U.C. No. - - - - -

(b) Emergency vehicles and vehicles leased for less than sixty (60) days may be placard.

(c) Motor vehicles used in the transportation of passengers only, except passenger buses having a seating capacity of ten or more, may, in lieu of the above requirements, be identified by marking in accordance with (a) (2) only, or by securely attaching both in front and rear of each motor vehicle in such a manner as to be conspicuously displayed at all times, a metal plate carrying permit number as per specifications shown below and reading as follows:

C

O

PUC NO. _____

L

O

Specifications: Background and letters in contrasting colors.

"COLO." reading down left-hand side, in letters 3/4 of an inch in height.

"PUC NO. _____" in letters two and one-half inches in height.

(d) All markings shall be completely removed from all vehicles when permanently withdrawn from service under the permit.

RULE 7

Equipment

All contract carriers shall either own the motor vehicles operated under their permit (proprietary control being deemed ownership) or lease such equipment, in accordance with these Rules.

RULE 8

Letters of Authority

No motor vehicle shall be operated upon the public highways of this state by any contract carrier in intrastate commerce unless and until said carrier has obtained and placed within said vehicle a letter of authority stating the operating authority issued to said carrier by the Commission. Said letter of authority shall be obtained from the Commission upon the request by the carrier in such quantity as the carrier may need or require.

RULE 9

Leasing of Equipment

No contract carrier shall lease or rent equipment to be used under its permit except in accordance with these Rules. Leases shall be filed in the form attached hereto as "Appendix A."

(a) No lease of equipment shall be executed for any period less than one (1) month, but shall be subject to cancellation by either party to said lease upon fifteen (15) days' written notice of cancellation served upon the other party and the Commission.

(b) All leases shall be in writing, signed by the parties thereto, and not effective until filed with the Commission. Said leases shall specify the period of time for which they are to be in effect, and shall specify the consideration to be paid by the lessee, and during the entire period of such lease, a signed and approved copy thereof shall be carried in each motor vehicle covered thereby. During the existence of the lease, the lessee shall have full discretion and complete control of said motor vehicle(s), and will be fully responsible for the operations thereof, in accordance with applicable law and regulations, as if lessee were the owner of such vehicle(s), including the requirements as to safety of equipment and inspection thereof, and insurance coverage.

(c) The Commission shall at all times have the right to examine all leases of equipment, and approve or disapprove the same.

(d) No contract carrier shall lease or rent his equipment, or otherwise transfer proprietary control of or the responsibility for the operation thereof, to any persons, firm, or corporation not a carrier by motor vehicle for hire.

RULE 10

Emergency Equipment -- Emergency Letters

(a) Whenever any contract carrier, in cases of emergency or unusual demand for transportation, must use equipment not owned or under lease to him, the carrier may engage such other equipment as is necessary to meet the emergency and unusual demand. The carrier shall, before the emergency equipment is placed in operation, issue an Emergency Letter, in the form attached hereto as "Appendix A-1," and place one copy of the letter upon the emergency vehicle; one copy shall be filed with the Commission within three (3) days after the issuance thereof, and one copy shall be retained by the carrier. The Emergency Letter required herein shall not be for a period of more than ten (10) days, and shall contain the following information:

1. Name and address of the carrier issuing the letter.
2. Permit number of the issuing carrier.
3. License number of the vehicle used.
4. Complete description of the vehicle.
5. Nature of emergency.
6. Origin and destination of vehicle movement.
7. Period the emergency vehicle is to operate.

(b) The driver or operator of any such emergency vehicle need not bear the relationship of an employee to the carrier, but in all such cases, all requirements of these rules shall be complied with by said driver and operator, and the carrier hiring said equipment and driver shall be held fully responsible for said driver and operator in regard to insurance and all other requirements of law and of these Rules; provided, however, that the compensation for the use of emergency equipment shall not be computed on the basis of a percentage of the revenue developed by the vehicle.

RULE 11

Evidence of Public Liability and Property Damage Insurance

(a) Every contract carrier shall obtain and keep in force at all times Public Liability and Property Damage Insurance or a surety bond providing similar coverage issued by some insurance company or surety company authorized to do business in the State of Colorado, which shall not be less than the minimum limits as set forth in this rule, with such schedules and endorsements as set forth in "Appendix B," covering all

vehicles which may be operated by or for, or which may be under the control of, the carrier. Such coverage would be accomplished by a so-called "Waiver of Description" endorsement on each policy.

As evidence of such insurance, there shall be filed with the Commission a certificate of insurance executed by a duly authorized agent of the insurer, in lieu of the original policy. The original policy is to be retained by the assured and kept available for inspection by any authorized representative of the Commission.

All insurance coverage must be filed with the exact same name, initials, corporate name, or trade name and address as listed in the application. Any subsequent name changes, address changes, policy number changes, shall be reflected on the certificate by the filing of an endorsement.

(b) The minimum amounts referred to in this rule are as follows:

(1)	(2)	(3)	(4)
Kind of Equipment	Limit for bodily injuries to or death of one person.	Limit for bodily injuries to or death of all persons injured or killed in any one accident (subject to a maximum of \$25,000 for bodily injuries to or death of one person).	Limit for loss or damage in any one accident to property of others (excluding cargo).
Passenger Equipment (Seating Capacity):			
7 passengers or less	\$25,000	\$100,000	\$10,000
8 to 12 passengers, inclusive. .	25,000	150,000	10,000
13 to 20 passengers, inclusive .	25,000	200,000	10,000
21 to 30 passengers, inclusive .	25,000	250,000	10,000
31 passengers or more.	25,000	300,000	10,000
Freight Equipment:			
All motor vehicles used in the transportation of property . . .	\$25,000	\$100,000	\$10,000

The Commission may increase, decrease, or amend these requirements as to the extent of coverage for any carrier.

(c) Every insurance certificate required by and filed with the Commission shall be kept in full force and effect, unless and until cancelled by thirty (30) days' written notice, which time shall run from the date the notice is received by the Commission, and the certificate shall contain a statement to this effect.

(d) For the purposes of this rule, forms determined by the National Association of Regulatory Utility Commissioners and promulgated by the Interstate Commerce Commission pursuant to the provisions of Section 202 (b) (2) of the Interstate Commerce Act (49 U.S.C., Section 302 (b) (2)), shall be used.

RULE 12

Contracts

(a) No contract carrier shall perform any transportation for hire except pursuant to a written contract. Each such contract shall contain therein the name of each party thereto together with the specific obligation or obligations of each party. Unilateral, illusory or so-called open-ended contracts do not meet the requirements of this rule. A complete copy of each contract entered into by a contract carrier for transportation of persons or property for hire shall be filed with the Commission prior to the performance of any such transportation by said carrier.

(b) The provisions of this rule (No. 12) shall not apply to the transportation of sand and gravel, logs and poles, and farm products (except livestock, bulk milk, and dairy products).

RULE 13

Contract Requirements on Certain Commodities

(a) No contract carrier of sand and gravel, logs and poles, and farm products (except livestock, bulk milk, and dairy products) shall, as to those commodities, engage in any act of transportation for hire until such carrier has a bona fide contract, either written or oral, with the shipper for whom the transportation is performed.

(b) Copies of all written contracts of carriage in force between shippers and contract carriers mentioned in item (a) of this Rule shall be retained by the carrier in a file for the purpose, and such contracts shall, at all times, be kept available for inspection or examination by the Commission.

(c) When an oral contract of carriage is entered into between a shipper and a contract carrier, the carrier shall immediately make a written memorandum of such oral contract in a book to be kept for the purpose, such memorandum to include the name of the shipper, the name of the person with whom the contract was negotiated, the date and term of the contract, the commodities to be transported, the principal origin and destination points of the carriage, and all other material provisions of the contract. The book containing the memoranda of oral contracts shall, at all times, be kept available for inspection or examination by the Commission.

RULE 14

Rates and Charges

- (a) When competing with duly authorized common carriers, the rates, fares, and charges of the contract carrier shall not be less than the rates of common carriers for substantially the same or similar service.
- (b) No contract, written or oral, shall provide for the furnishing of services by a contract carrier to any person at rates, fares, or charges less than the rates, fares, or charges which any motor vehicle common carrier shall have named in a tariff on file with this Commission.
- (c) As to contracts which may be filed with the Commission, the Commission reserves the right at any time, either at or after the time of filing, to reject such contracts. Where such contract shall be rejected and returned to the contract carrier pursuant to the provisions of this rule, such contract shall be void and its use prohibited.
- (d) In any case where a contract carrier shall have charged or collected rates, fares, and charges less than those required by this rule, such contract carrier shall forthwith assess and collect, and the involved shipper or consignee shall pay to the contract carrier, the difference between the proper rates, fares, or charges and those which were actually assessed and collected.
- (e) No contract carrier shall refund or remit, directly or indirectly, in any manner or by any device, any portion of the rates, fares, or charges, specified in the applicable contract, whether oral or written.

RULE 15

Rule Exemption

In case of hardship, a carrier may file written application for relief, stating therein the grounds for relief, and the Commission, after hearing, if satisfied, may suspend such Rule(s) or Regulation(s) affecting such carrier as it deems just.

APPENDICES

APPENDIX A

LEASE OF MOTOR VEHICLE EQUIPMENT

(Must be filed in triplicate)

THIS AGREEMENT, Made this _____ of _____ 19____
day month
between _____
Name
of _____
Street

City State Zip Code
hereinafter called Lessor or Truck Owner and _____
Name
of _____
Street City State Zip Code
hereinafter called Lessee, Business Owner or Manager.

WITNESSETH, THAT WHEREAS, Lessor is the owner of certain motor vehicle equipment which is particularly described as follows:

	Make	Year	License No.	State	Motor No.
Tractor or Truck					
Trailer					

Insured by _____
(In amounts of not less than \$25,000 and \$100,000 Public Liability and \$10,000 Property Damage, as required by Law.)

THAT WHEREAS, Lessee is transporting (freight) (own merchandise) over the public highways of the State of Colorado under the following operating authority as issued by The Public Utilities Commission of the State of Colorado; Certificate No. _____; Permit No. _____; and

THAT WHEREAS, Lessor desires to lease the above described motor vehicle equipment to Lessee, and Lessee desires to consummate such lease:

NOW, THEREFORE, IT IS HEREBY MUTUALLY AGREED between the parties hereto that for the consideration, as stated below, Lessor does hereby lease unto Lessee for the time period of _____ (not less than one month) from the date first above written, the motor vehicle equipment above described subject to the following conditions:

1. That during the existence of this lease the motor vehicle equipment above described shall be under the complete control of the Lessee.
2. That as consideration, Lessee agrees to pay Lessor for the use of said equipment the following: _____

(A consideration of \$1.00 and other valuable considerations not sufficient to cover lease. So much per day, week, month, period of lease, or so much per rolling mile is acceptable.)

3. That said lease may be cancelled by either of the parties hereto upon fifteen (15) days written notice of cancellation served upon the other party and The Public Utilities Commission of the State of Colorado.

IN WITNESS WHEREOF, The parties have hereunder set their hands this day and year first above written.

Lessor

Lessee

A COPY OF THE SIGNED AND APPROVED LEASE MUST (1) BE PLACED ON THE LEASED VEHICLE (2) BE ON FILE IN THE OFFICE OF THE LESSEE AND (3) BE ON FILE WITH THE PUBLIC UTILITIES COMMISSION OF THE STATE OF COLORADO, 500 COLUMBINE BUILDING, DENVER, COLORADO 80203.

APPENDIX A-1
EMERGENCY EQUIPMENT - EMERGENCY LETTER

PUC AUTHORITY NO. _____

Under the rules and regulations of The Colorado Public Utilities Commission of the State of Colorado governing emergency motor vehicle equipment,

(Name of Certificate or Permit Holder)

(Street). (City) (State) (Zip Code)

is operating the following described equipment under the above stated PUC authority number:

(Make of Vehicle) (Motor Number) (State) (License Number)

(Owner's Name) (Owner's Address)

(Operator's Name) (Chauffeur's Number)

That the above described emergency equipment is being operated for the sole purpose of transporting by motor vehicle the property or merchandise described as follows:

and that said property or merchandise is being transported

FROM _____ AT _____
(Consignor) (Address)

TO _____ AT _____
(Consignee) (Address)

That the emergency equipment as herein described will be used for the sole purpose as above stated for the period of time (not to exceed 10 days) from _____ to _____
Mo. Day Yr. Mo. Day Yr.

for the reason that _____
(Give full particulars why this equipment is being used)

DATE _____, 19____ (SIGNED) _____
(Name of Certificate or Permit
holder)

(1) ONE COPY OF THIS LETTER SHALL BE PLACED UPON THE EMERGENCY
VEHICLE TO BE OPERATED (2) ONE COPY SHALL BE FILED WITH THE
PUBLIC UTILITIES COMMISSION WITHIN THREE (3) DAYS AFTER THE
ISSUANCE THEREOF AND (3) ONE COPY SHALL BE ON FILE IN THE OFFICE
OF THE CERTIFICATE OR PERMIT HOLDER.

APPENDIX B

UNIFORM PUBLIC LIABILITY AND PROPERTY DAMAGE ENDORSEMENT

The policy to which this endorsement is attached is written in pursuance of, and is to be construed in accordance with, any one or more of the following laws of the State of Colorado:

Chapter 115-9-10---C.R.S. 1963
Chapter 115-11-9---C.R.S. 1963
Chapter 115-10-6---C.R.S. 1963

and the Rules and Regulations of the Public Utilities Commission of the State of Colorado adopted thereunder and applicable to the Insured. In consideration of the premium stated in the policy to which this endorsement is attached, the Insurer hereby waives a description of the motor vehicle, or motor vehicles to be insured thereunder, and agrees to pay any final judgment within the limits set forth in the policy or endorsements attached thereto, for injury to, and/or death of persons (with the exception of any employee of the Assured) and damage to property (excluding property of the Assured or property which is rented or leased by the Assured or property other than the baggage of passengers in the custody of the Assured or carried in or upon any automobile of the Assured) resulting from the ownership, maintenance or use of any and all motor vehicles and/or trailers, pursuant to a Certificate of Public Convenience and Necessity or a Permit issued by the Public Utilities Commission of the State of Colorado, and further agrees that upon the failure of the Insurer to pay any such final judgment, such judgment creditor may maintain an action in any court of competent jurisdiction to compel such payment. It is understood and agreed by and between the Insurer and the Assured that the right of any person to recover hereunder shall not be affected by any act or omission of the Assured or of any employee of the Assured with regard to any condition or requirement of said policy, but all the terms and conditions of the policy shall remain in full force and be binding as between the Insurer and Assured; and the Insurer shall be reimbursed by the Assured for any and all loss, costs or expenses paid or incurred by the Insurer which the Insurer would not be obligated to pay under the provisions of the policy independently of this endorsement.

All conditions and provisions of this policy, and any statements or agreements contained therein or endorsed thereon in conflict with this endorsement are, by agreement of all parties hereto, held null and void insofar as they are in conflict herewith.

The policy to which this endorsement is attached shall not be cancelled until after thirty days notice in writing shall have first been given by the Insurance Company or its authorized agent to the Public Utilities Commission of the State of Colorado, at its office at Denver, Colorado, said thirty days notice to commence to run from the date notice is actually received at the office of the Commission.

ATTACHED TO AND FORMING A PART OF POLICY NO. _____
issued by the _____ Insurance Company
to _____.

THIS FORM OF ENDORSEMENT IS REQUIRED TO BE ATTACHED TO THE POLICY OF PUBLIC
LIABILITY AND PROPERTY DAMAGE INSURANCE BUT NOT TO THE CERTIFICATE OF
INSURANCE AND MUST BE GIVEN TO THE INSURED AND NOT FILED WITH THE COMMISSION.

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.)

- - - - -
July 16, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The files and records of the Commission disclose that the corporations, partnerships, and/or persons as specifically set forth in the Appendix attached hereto have paid to the Commission the required filing fee for authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, but have either (1) failed to file an application or (2) have failed, after filing an application for such authority, to file either the required certificate of insurance or a designation of agent for service of notices, orders or process -- 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 set forth in the Appendix attached hereto should be dismissed.

O R D E R

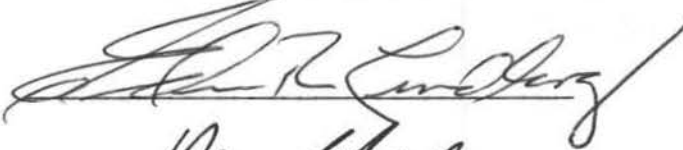
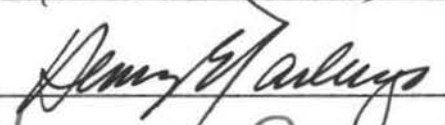
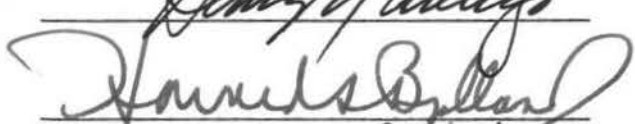
THE COMMISSION ORDERS:

That all actions instituted before this Commission by the corporations, partnerships, and/or persons as set forth in the appendix attached hereto, to obtain authority to operate as commercial carriers by motor vehicle (not for hire) over the public highways of the State of Colorado, be, and the same hereby are, dismissed.

This Order shall become effective thirty (30) days from the day and date hereof.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
C. V. Slaughter, dba A C Auto Auction 1100 E. McArthur Wichita, Kansas 67216	Public Liability & Property Damage Insurance, Designation of Agent
Allied Steel Products Corp. 2100 N. Lewis P. O. Box 50187 Tulsa, Oklahoma 74150	Public Liability & Property Damage Insurance, Designation of Agent
Robert L. Ammons 2021 W. 21st Street Plainview, Texas 79072	Public Liability & Property Damage Insurance
Atkinson Pipe & Supply 3106 No. Hancock Odessa, Texas 73762	Public Liability & Property Damage Insurance, Designation of Agent, Application
B & B Custom Boats & Campers, Inc. Box 772 Elko, Nevada 89801	Public Liability & Property Damage Insurance, Designation of Agent
Jimmie A. Wood, dba B & D Tool Co. 345 Rose Craig, Colorado 81625	Public Liability & Property Damage Insurance
Kent B. Rowley, dba Bar B Bar Mol-Mix 646 No. Main Street Monticello, Utah 84535	Public Liability & Property Damage Insurance, Designation of Agent
Don Beckman, dba Beckman's Antique's & Auction 418 Seward Street Seward, Nebraska 68434	Public Liability & Property Damage Insurance, Designation of Agent
Bennett Box & Pallet Co. 823 So. 3rd Street Clinton, Iowa 32732	Public Liability & Property Damage Insurance, Designation of Agent, Application
Big John's, Inc. 528 So. Tejon Street Colorado Springs, Colorado 80902	Public Liability & Property Damage Insurance
Blair Trailers, Inc. Rt. 2, Box 126 Erie, Kansas 66733	Public Liability & Property Damage Insurance, Designation of Agent
Robert P. Blake 519 Lincoln Street Brush, Colorado 80723	Public Liability & Property Damage Insurance
Bocats, Inc. Box 1021 E. Highway 50 Garden City, Kansas 67846	Designation of Agent
Warren Brown 4201 So. Broadway Goddard, Kansas 67052	Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Melvin N. Bryan 551 W. Evans Box 243 Lyons, Colorado 80540	Public Liability & Property Damage Insurance
Robert Burns R. 4 Sallisaw, Oklahoma 74555	Public Liability & Property Damage Insurance, Designation of Agent
James & Natalie Camerlo, dba Camerlo Dairy 8th & Frazier Florence, Colorado 81212	Public Liability & Property Damage Insurance
Cascade Steel Fabrications, Inc. P. O. Box 2279 Eugene, Oregon 97402	Designation of Agent
Chandeysson Electric Co. 4084 Bingham Avenue St. Louis, Missouri 63116	Public Liability & Property Damage Insurance, Designation of Agent
Chomalloy Shunk Blade Div. 1460 Auto Avenue Bucyrus, Ohio 44820	Public Liability & Property Damage Insurance, Designation of Agent
K. G. Clark Trucking & Leasing, Inc. 3914 Charles Street Cheyenne, Wyoming 82001	Public Liability & Property Damage Insurance, Designation of Agent
William F. Clark 2190 Hoyt Drive Thornton, Colorado 80229	Public Liability & Property Damage Insurance
C. M. Gallegos, Delbert Brimer, Daniel VanHone, dba Colorado Firewood & Fencepost 2322 Highway 6 & 50, Lot 34 Grand Junction, Colorado 81501	Public Liability & Property Damage Insurance
Bryant Transports, dba Con-Ark Box 536 Tolono, Illinois 61880	Public Liability & Property Damage Insurance, Designation of Agent
Conrads Irrigation, Inc. Gaylord, Kansas 67638	Public Liability & Property Damage Insurance, Designation of Agent
Bill Copley Box 253 Muleshoe, Texas 79347	Public Liability & Property Damage Insurance, Designation of Agent
Cow Pow, Inc. North Frazier Avenue Florence, Colorado 81226	Public Liability & Property Damage Insurance
A. E. Crawford 1001 So. Avenue A Portales, New Mexico 88130	Public Liability & Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
W. B. Crofford 1700 Chandler Wichita Falls, Texas 76305	Public Liability & Property Damage Insurance, Designation of Agent
Deseret Manufacturing Corp. 67 So. Main Street Ephraim, Utah 84627	Public Liability & Property Damage Insurance, Designation of Agent
E & W Mold & Tool, Inc. 420 W. Gimber Indianapolis, Indiana 46220	Public Liability & Property Damage Insurance, Designation of Agent
Gerold J. Schramek, dba Fountain Valley Disposal Co. & Sanitary Landfill 470 No. Santa Fe Fountain, Colorado 80817	Public Liability & Property Damage Insurance
Gary Phillips, dba Gary's Implement Rt. 1 Bridgeport, Nebraska 69336	Public Liability & Property Damage Insurance
General Home Product, Inc. 745 Salem Road Burlington, New Jersey 08016	Public Liability & Property Damage Insurance, Designation of Agent
General Service Co. 4225 So. 500 West Murray, Utah 47107	Public Liability & Property Damage Insurance, Designation of Agent
Gideon Anderson Lumber Co. 2nd & Main Street Gideon, Missouri 63848	Designation of Agent
John Smythe, dba Great Plains 219 Harrison Avenue Greenville, Ohio 45331	Public Liability & Property Damage Insurance, Designation of Agent
Thomas Dow Gregg P. O. Box 267 Del Norte, Colorado 81132	Public Liability & Property Damage Insurance
J. W. Gylling Co., Inc. RFD La Jara, Colorado 81140	Public Liability & Property Damage Insurance
Orvil Thurman Harris East Route Monticello, Utah 84535	Designation of Agent
Hauck Oil Co. 18th & Frisco Rolla, Missouri 65401	Public Liability & Property Damage Insurance, Designation of Agent
Robert L. Helgeland Rt. 1, Box 400 Delta, Colorado 81416	Public Liability & Property Damage Insurance
Vernon E. Hepp R. R. 2	Public Liability & Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Hillside Gardens, Inc. P. O. Box 143-A Foley, Missouri 63347	Public Liability & Property Damage Insurance, Designation of Agent
Eli Hochstetler, dba Hochstetler & Sons Star Route Millersburg, Ohio 44654	Public Liability & Property Damage Insurance, Designation of Agent
Holiday Inn's Inc. 3742 Lamar Avenue Memphis, Tennessee 38118	Public Liability & Property Damage Insurance, Designation of Agent, Application
J.R. & B.M. Howard, dba Howard & Nedry 1109 NE 166th Portland, Oregon 97230	Public Liability & Property Damage Insurance, Designation of Agent
Interform Express, Inc. 18744 So. Rayes Avenue Los Angeles, California 90221	Public Liability & Property Damage Insurance
Clyde Martin, dba Interstate Lumber Mills Box 7 Cimarron, New Mexico 87714	Public Liability & Property Damage Insurance, Designation of Agent
Ivey's Plumbing & Electrical Co., Inc. & Insul-Metal Corp. 514 No. Wells St. Kosciusko, Mississippi 39090	Public Liability & Property Damage Insurance, Designation of Agent
James Cummings, dba J. C. Enterprise 2670 Delta Drive Colorado Springs, Colorado 80910	Public Liability & Property Damage Insurance
Billy E. Gamblin & M. L. Whitney, dba J & J Tire Co. 1801 Leonine Wichita, Kansas 67217	Public Liability & Property Damage Insurance, Designation of Agent
Wayne Crouch & Jay Thorpe, dba Jet Tires 429 No. State Street Montgomery City, Missouri 63361	Public Liability & Property Damage Insurance, Designation of Agent
Lyle M. Johnson 612 So. Summit Girard, Kansas 66743	Designation of Agent
Kellwood Company-Hawthorn Div. Box 15-A New Haven, Missouri 63068	Public Liability & Property Damage Insurance, Designation of Agent
Ken Carpets of Lagrange, Inc. Box 405 Grange, Georgia 30240	Public Liability & Property Damage Insurance, Designation of Agent, Application
Doyle King 1011 Grand Hereford, Texas 79045	Public Liability & Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Kenneth E. Lambert General Delivery Mosca, Colorado 81146	Public Liability & Property Damage Insurance
Don Larsen, dba Larsen Construction P. O. Box 11 Sanford, Colorado 81151	Public Liability & Property Damage Insurance
William D. Logan, dba Logan Interprises 947 Gay Street Longmont, Colorado	Public Liability & Property Damage Insurance
T. L. Long Box 265 AA, Rt. 1 Lamar, Colorado 81052	Public Liability & Property Damage Insurance
Billy W. Malone Wiggins, Colorado 80654	Public Liability & Property Damage Insurance
Lee Martin Box 320, Highway 50 Fruita, Colorado	Public Liability & Property Damage Insurance
Maywood, Inc. 900 East 2nd Street Amarillo, Texas 79105	Public Liability & Property Damage Insurance, Designation of Agent, Application
Mc Clure & Sons P. O. Box 338 Ault, Colorado 80610	Public Liability & Property Damage Insurance
Gary L. McComb, dba Midstate Mobile Escort P. O. Box 29522 Thornton, Colorado 80229	Public Liability & Property Damage Insurance, Application
Midwest Machinery, Inc. W. Highway 56 & Airport Road P. O. Box 862 Great Bend, Kansas 67530	Public Liability & Property Damage Insurance, Designation of Agent, Application
Pride Hybrid Co., Northern Div., dba Midwest Research Associates Box 588, East Highway 96 Scott City, Kansas 67871	Public Liability & Property Damage Insurance, Designation of Agent
Mitchell & Son 1940 Carolyn Lane Jackson, Mississippi 39208	Public Liability & Property Damage Insurance, Designation of Agent
Morrow & Sons, Inc. Box 371 Fraser, Colorado 80442	Public Liability & Property Damage Insurance
Domingo C. Munoz 423 So. 7th Avenue Crystal City, Texas 78839	Public Liability & Property Damage Insurance, Designation of Agent
Earl W. & Dorothy M. Myers 411 So. 3rd Avenue Crystal City, Texas 78839	Public Liability & Property Damage Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Navajo Leasing 1680 So. Main Street Springville, Utah 84663	Public Liability & Property Damage Insurance, Designation of Agent, Application
New England Paper Tube Co., Inc. 173 Weeden Street Pawtucket, Rhode Island 02862	Public Liability & Property Damage Insurance, Designation of Agent
Ozark Industries, Inc. Airport Drive Miami, Oklahoma 74354	Public Liability & Property Damage Insurance, Designation of Agent
Pam-Tex Company, Inc. P. O. Box 2235 Pampa, Texas 79065	Designation of Agent
J. W. Phillips, Inc. P. O. Box 201 Harrah, Oklahoma 73045	Application
H.H. & D.G. Phillips, dba Phillips Livestock Hauling P. O. Drawer 70 Williston, Florida 32696	Public Liability & Property Damage Insurance, Designation of Agent
Phillips Truss Co. Highway 78 East of Oxford Oxford, Alabama 36201	Public Liability & Property Damage Insurance, Designation of Agent
Potlatch Forest, Inc. P. O. Box 609 Sikeston, Missouri 63801	Public Liability & Property Damage Insurance, Designation of Agent, Application
Prairie Drilling Co. 5710 W. Yellowstone Casper, Wyoming 82601	Designation of Agent
Dennis R. Priest 2210 Elm Avenue Grand Junction, Colorado 81501	Public Liability & Property Damage Insurance
Bill Randleman Rt. 1, Box 138 Ft. Sumner, New Mexico 88119	Public Liability & Property Damage Insurance, Designation of Agent
Gary L. Read 11613 E. Rio Hondo El Monte, California	Public Liability & Property Damage Insurance, Designation of Agent
Freece & Della Reither Box 193 Ridgeway, Colorado 81063	Public Liability & Property Damage Insurance, Application
Reynold Metal Co. P. O. Box 12 Ashville, Ohio 43103	Public Liability & Property Damage Insurance, Designation of Agent
Jessee Elton Ricks, dba Ricks Grease Co. 808 East Bank Iowa Park, Texas 76367	Public Liability & Property Damage Insurance, Designation of Agent

NAME

REASON - FAILURE TO FILE

Roto/Swing, Inc.
5405 NW 5th Street
Oklahoma City, Oklahoma 73127

Designation of Agent

Chromalloy American Corp., dba
Rubin Glass & Mirrow Co., Div.
P. O. Box 2104
Houston, Texas 77001

Public Liability & Property Damage
Insurance, Designation of Agent

Rusk Brothers, Inc.
Route 3
Wellington, Kansas 67152

Public Liability & Property Damage
Insurance, Designation of Agent

Ruth E. Newby, dba
Ruth Salvage & Scrap
Box 67
Valier, Mont. 59486

Designation of Agent

Robert Rutledge
2509 Stanton
San Angelo, Texas 76901

Public Liability & Property Damage
Insurance, Designation of Agent,
Application

Selected Casings, Inc.
413 No. Avenue I
Portales, New Mexico 88130

Public Liability & Property Damage
Insurance

Shardin Tire & Alignment, Inc.
1801 - 10th
Great Bend, Kansas 67530

Public Liability & Property Damage
Insurance, Designation of Agent

Bill C. L. Shupe
P. O. Box 121
Greeley, Colorado 80631

Public Liability & Property Damage
Insurance, Application

Robert E. Hogsett, dba
Shopping Center Furniture Co.
402 East Railroad Avenue
Ft. Morgan, Colorado 80701

Public Liability & Property Damage
Insurance

John Silengo
920 Mulberry
Canon City, Colorado 81212

Public Liability & Property Damage
Insurance

Wales J. Smith, dba
J. Smith Feed Store
Black Hat, New Mexico 86515

Public Liability & Property Damage
Insurance, Designation of Agent

Larry G. Smith
Rt. 1, Box 258
Longmont, Colorado 80501

Public Liability & Property Damage
Insurance

Stor-All Manufacturing Co., Inc.
P. O. Box 3247
Jonesboro, Arkansas 72401

Public Liability & Property Damage
Insurance, Designation of Agent,
Application

Superior Furniture
3919 Eastex Freeway
Houston, Texas 77026

Public Liability & Property Damage
Insurance, Designation of Agent,
Application

Carl E. Gast, dba
Superior Used Parts
1000 E. Las Vegas

Public Liability & Property Damage
Insurance

Appendix
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July 16, 1974
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<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
T & S Truck Service 3509 Park Lane Birmingham, Alabama 35213	Public Liability & Property Damage Insurance, Designation of Agent, Application
Fred Aaron Tanner 201 So. Mill Street Ardmore, Oklahoma 73401	Designation of Agent
Arizona Conference Corp. of SDA, dba Thunderbird Furniture 13401 No. Scottsdale Road Scottsdale, Arizona 85254	Designation of Agent
Tri K Trucking, Inc. East Highway 136 Oxford, Nebraska 68967	Designation of Agent
Union Carbide Corp. P. O. Box 1017 Union, New Jersey 07083	Public Liability & Property Damage Insurance, Designation of Agent
El Paso Valley Butane, Inc., dba Valley Butane, Inc. P. O. Box 17958 El Paso, Texas 79917	Public Liability & Property Damage Insurance
Vega Furniture Mfg., Co., Inc. 200 So. Valley Street Fulton, Mississippi 38843	Public Liability & Property Damage Insurance, Designation of Agent
Edward Kenneth Velasquez Box 335 1 Mile West Ault, Colorado 80610	Public Liability & Property Damage Insurance
Viola Industries Elevator Div., Inc. 3015 No. Summent Street Arkansas City, Kansas 67005	Public Liability & Property Damage Insurance
James Way Equipment Co. P. O. Box 1358 Bowie, Texas 76230	Public Liability & Property Damage Insurance, Designation of Agent, Application
Jerry Weeks, dba Weeks Salvage 737 No. Britain Irving, Texas 75061	Public Liability & Property Damage Insurance, Designation of Agent
John D. Wittimer P. O. Box 375 Alamosa, Colorado 81101	Public Liability & Property Damage Insurance, Application
Wyoming Book Co., Inc. 1102 Rosebud Road Cheyenne, Wyoming 82001	Public Liability & Property Damage Insurance
Donald R. Kaess & Peter A. Young, dba Y & K Excavation 136 Palmer Salida, Colorado 81201	Public Liability & Property Damage Insurance
Edward L. & Eric L. Yager, dba Yager's Drywall Service P. O. Box 173 130 No. 4th	Public Liability & Property Damage Insurance

Appendix
Decision No. 85389
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Page 9

NAME

Eldon & Dean Zornes, dba
Zornes Iron & Metal
Rt. 1, Box 200-G
Brighton, Colorado 80601

Cataphote Corp.
P. O. Box 2360 Under Drive
Jackson, Mississippi 39205

REASON - FAILURE TO FILE

Public Liability & Property Damage
Insurance

Designation of Agent

(Decision No. 85390)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DAVID C. HAMILTON AND TONY R.)
HAMILTON, DOING BUSINESS AS "EAGLE)
TRUCK LINE," P.O. BOX 261, MINTURN,)
COLORADO.)

APPLICATION NO. 27281 -
CLARIFICATION AND/OR EXTENSION
ORDER GRANTING EXTENSION OF TIME
IN WHICH TO FILE EXCEPTIONS

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 19, 1974 Recommended Decision No. 85225 of Examiner Robert E. Temmer was entered and served upon the parties.

On July 9, 1974 Protestants Northwest Transport Service, Inc., and Rio Grande Motor Way, Inc., by their attorneys Leslie R. Kehl and Eric Paul, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty days after the filing of the official transcript.

The Commission states and finds that said request for an extension of time is in the public interest and should be granted.

An appropriate order will be entered.

O R D E R

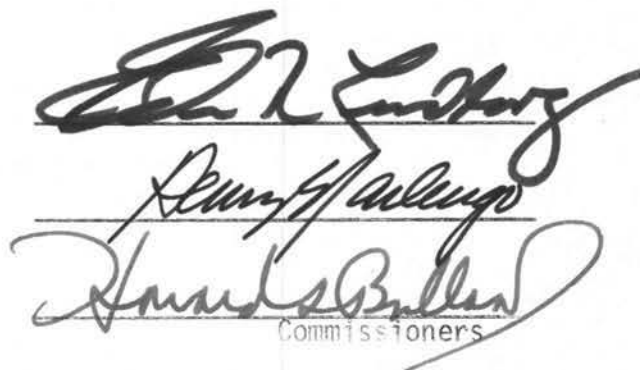
THE COMMISSION ORDERS THAT:

Protestants Northwest Transport Service, Inc., and Rio Grande Motor Way, Inc., be, and hereby are, granted an extension of time within which to file exceptions to the recommended decision of the examiner until twenty days after the filing of the official transcript.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

(Decision No. 85391)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
F. A. GILLESPIE AND SONS COMPANY,	)	APPLICATION NO. 27374-PP
DOING BUSINESS AS "GLOBE TRUCKING)	
COMPANY," 2000 GAYLORD STREET, DENVER,	)	ORDER GRANTING PETITION FOR
COLORADO, FOR A CLASS "B" PERMIT TO	)	REOPENING, REHEARING AND
OPERATE AS A CONTRACT CARRIER BY	)	RECONSIDERATION
MOTOR VEHICLE FOR HIRE.)	

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 13, 1974, Examiner Robert L. Pyle entered his Recommended Decision No. 85007 in the above-entitled application granting the authority sought therein by the Applicant, F. A. Gillespie and Sons Company, doing business as "Globe Trucking Company." Said decision ostensibly became the decision of the Commission by operation of law on June 3, 1974, pursuant to the provisions of 115-6-9(2) inasmuch as no exceptions were filed to the Recommended Decision.

On June 21, 1974, City Wide Rubbish Removal, Inc., filed a pleading entitled "Petition of Protestant City Wide Rubbish Removal, Inc., for Reopening, Rehearing and Reconsideration of Application."

Said Petition of Protestant, City Wide Rubbish Removal, Inc., basically alleges that its predecessor, namely, Bertha Knaus, filed a protest to the granting of the application under date of April 8, 1974, but that she and her attorney did not receive notice of the hearing on May 3, 1974.

Examination of the official file in this matter indicates that notice of the hearing was mailed by the Secretary of the Commission to "Bertha Knaus, City Wide Rubbish Removal, 6691 E. 80th Avenue, Commerce City, Colorado 80203." The Commission takes official notice of the fact that the correct postal zip code for the foregoing address is not "80203," but rather "80022." It is also common knowledge that delays in the delivery of mail within recent months have not been unusual. Accordingly, it is quite probable that Protestant's predecessor, in fact, did not receive actual notice of the hearing herein. With the procedural defect of lack of notice, the order entered by the hearing examiner is voidable, if not void. Accordingly, premises considered, the matter should be reheard with notice to the Protestant herein.

The following Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Petition of Protestant, City Wide Rubbish Removal, for Reopening, Rehearing and Reconsideration of Application be, and hereby is, granted.

2. Application No. 27374-PP is set for hearing as follows:

DATE: August 22, 1974

TIME: 10 a.m.

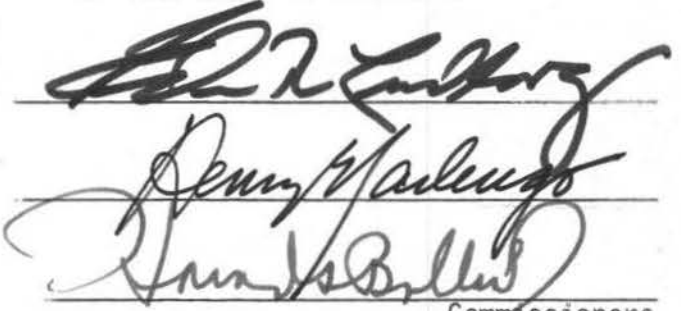
PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

3. The Secretary of the Commission is directed to send a copy of this order and notice to the Applicant and Protestant, City Wide Rubbish Removal, Inc.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

(Decision No. 85392)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF CENTRAL)	DOCKET NO. 852
TELEPHONE AND UTILITIES CORPORATION,)	
PUEBLO, COLORADO, FILED UNDER ADVICE)	ORDER FURTHER SUSPENDING EFFECTIVE
LETTER NO. 362 AND 362 SUPPLEMENTAL.)	DATE OF TARIFFS

- - - - -
July 16, 1974
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On March 27, 1974, by Decision No. 84733, the effective date of the tariff sheets filed by Central Telephone and Utilities Corporation on February 27, 1974, under Advice Letter No. 362 and 362 Supplemental, was suspended for the period of one hundred and twenty (120) days or until July 30, 1974, or until further order of the Commission and the matter was set for hearing. The tariff sheets involved are more fully described in said Advice Letter which is incorporated herein by reference.

On June 6, 1974, Recommended Decision No. 85130 of Examiner Thomas M. McCaffrey was entered and served on the parties.

On June 25, 1974, Protestant Ideal Basic Industries, Inc., by its attorneys, Holland & Hart, filed a Motion for an Extension of Time in Which to File Exceptions to the said Recommended Decision No. 85130.

On July 2, 1974, by Decision No. 85318, the Protestant, Ideal Basic Industries, Inc., was granted an extension of time in which to file exceptions until twenty (20) days after the filing of the official transcript.

The Commission finds that it may not have sufficient time to finally act in this matter prior to the expiration of the original suspension period, and therefore concludes that the effective date of said tariff sheets should be suspended for a further period of ninety (90) days pursuant to CRS 1963, 115-6-11, as amended.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:


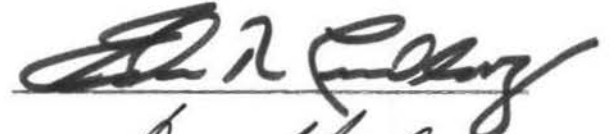
The effective date of the tariff sheets filed by Central Telephone and Utilities Corporation, Pueblo, Colorado, on February 27, 1974, under Advice

Letter No. 362 and 362 Supplemental, be, and hereby is, suspended for the further period of ninety (90) days from July 30, 1974, or until October 28, 1974, unless otherwise ordered by the Commission.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

jp

(Decision No. 85393)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED REVISION OF)	CASE NO. 5409
RULES 18 AND 26 OF THE RULES OF PRACTICE)	
AND PROCEDURE BEFORE THE PUBLIC UTILITIES)	ORDER DENYING PETITION FOR
COMMISSION OF THE STATE OF COLORADO.)	RECONSIDERATION, REHEARING,
	AND REARGUMENT.

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 14, 1974, Hearing Examiner Robert L. Pyle entered his Recommended Decision No. 85022 in the above-captioned matter.

On June 3, 1974, Protestant, Colorado Municipal League, filed with the Commission its Exceptions to said Recommended Decision No. 85022.

On June 14, 1974, the Commission, in its Decision No. 85185, overruled and denied said Exceptions, adopted the findings of fact and conclusions of Hearing Examiner Robert L. Pyle in Recommended Decision No. 85022, and entered as the Order of the Commission, without any change or modification, the Recommended Order in Decision No. 85022.

On July 9, 1974, Protestant, Colorado Municipal League, filed a "Petition for Reconsideration, Rehearing and Reargument." CRS 115-6-14(1) states in part:

"(1) After a decision shall have been made by the commission, or after a decision recommended by an individual commissioner or examiner shall have become the decision of the commission, as provided in this article, any party thereto may within twenty days thereafter, or within such additional time as the commission may authorize upon request made within such period, make application for rehearing, reargument, or reconsideration of the same, or of any matter determined therein"

The Colorado Municipal League's Petition for Reconsideration, Rehearing, and Reargument is not timely filed inasmuch as it was filed subsequent to the 20-day period within which such a pleading is required to be filed pursuant to the above-stated statute. It is also noted that the Colorado Municipal League did not file a request, within the requisite 20-day period, for an extension of time in which to file a Petition for Reconsideration, Rehearing, and Reargument.

The following Order will be entered.

O R D E R

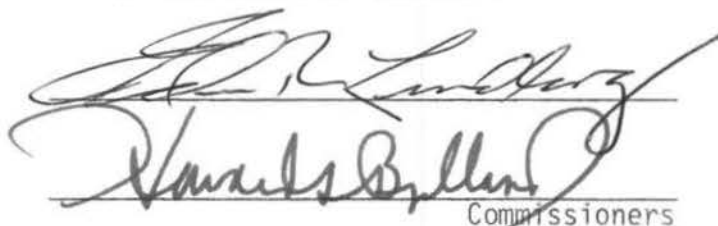
THE COMMISSION ORDERS THAT:

The Petition for Reconsideration, Rehearing, and Reargument filed on July 9, 1974, is denied as being not timely filed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTING.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the following reasons.

That serious questions of law have been raised; that notice to, and service thereof on, persons affected by rate changes should strictly conform to the requirements of due process; that it appears the rules proposed in the Recommended Decision may not conform to the requirements of due process; that without a further hearing held by the Commission, the Commission will not be sufficiently and adequately informed on all the issues involved in a matter so important to the public to permit the proposed questionable order of the Examiner to stand; and, that with, or without, a transcript the Commission may on its own motion set the matter for further hearing and should do so.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
vjr

(Decision No. 85394)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN RATES OF ROCKY)	DOCKET NO. 861
MOUNTAIN NATURAL GAS COMPANY, INC.,)	
DENVER, COLORADO, FILED UNDER ADVICE)	ORDER GRANTING MOTION OF THE
LETTER NO. 33.)	BOARD OF COUNTY COMMISSIONERS
	OF PITKIN COUNTY.

July 16, 1974

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On April 15, 1974, Respondent, Rocky Mountain Natural Gas Company, filed its Advice Letter No. 33 accompanied by 12 tariff sheets. The stated purpose of the filing is to increase rates for natural gas service.

On May 14, 1974, by Decision No. 85032, the matter was assigned Investigation and Suspension Docket No. 861 and set for hearing to commence June 26, 1974. On May 30, 1974, said hearing was vacated and set for July 8, 1974, at Montrose, Colorado; July 10, 1974, at Glenwood Springs, Colorado; and July 12, 1974, at Walden, Colorado. Due notice thereof was given on May 30, 1974, to all interested parties and governmental bodies, including the Board of County Commissioners of Pitkin County.

On July 11, 1974, the Board of County Commissioners of Pitkin County filed a pleading entitled "Motion" wherein they requested leave to "file untimely the Board's opposition to the rate increase proposed by the Applicant

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

ORDER

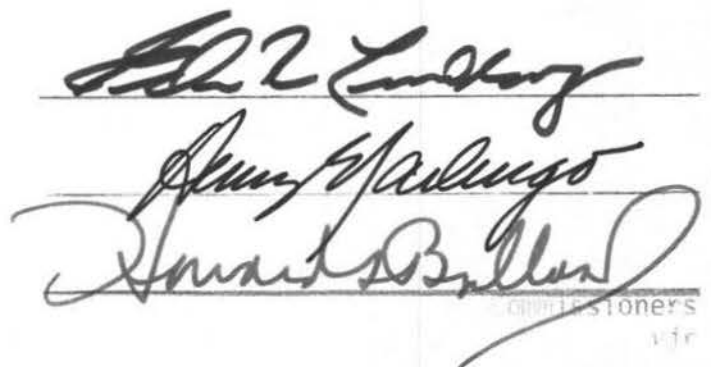
THE COMMISSION ORDERS THAT:

The pleading entitled "Motion" filed on July 11, 1974, by the Board of County Commissioners of Pitkin County be, and hereby is, granted; and the Board of County Commissioners of Pitkin County be, and hereby is, given leave to file a statement of position with the Commission within ten (10) days.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners
vjr

(Decision No. 85395)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF	)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN SERVICE OF ROCKY	)	DOCKET NO. 860
MOUNTAIN NATURAL GAS COMPANY, INC.,)	
DENVER, COLORADO, FILED UNDER ADVICE	)	ORDER OF THE COMMISSION
LETTER NO. 32.)	

- - - - -
July 16, 1974
- - - - -

Appearances: Wynn Bennett, Jr., Esq.,
Denver, Colorado, for
Rocky Mountain Natural Gas Company, Inc.,
Respondent;
Thomas W. Osborn, Jr.,
Delta, Colorado, for the
Delta Housing Authority;
Nick Darrow, Esq.,
Delta, Colorado,
for the City of Delta;
Phillip Mahoney,
Aspen, Colorado,
for the City of Aspen;
Charles W. Miller,
Aspen, Colorado, for the
Aspen Valley Improvement Association;
Naomi Niemann,
Glenwood Springs, Colorado,
for Glenwood Floral;
Kent Teall and James A. Richards,
Denver, Colorado, of the
Staff of the Commission.

PROCEDURE AND RECORD

Rocky Mountain Natural Gas Company, Inc., on April 15, 1974, filed with this Commission its Advice Letter No. 32, Colorado PUC No. 3, accompanied by three tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of this filing is to remove the existing moratorium applicable to new natural gas service connections from the Western Slope Service Area and in place thereof to substitute a plan or procedure for the orderly connection of existing and future applications for gas service. Should these tariffs be allowed to become effective, those persons who applied and were on the company registry list prior to April 15, 1974, would be offered immediate service connections, subject to the limitation contained in the herein filed tariffs. The proposed tariffs were scheduled to become effective on thirty (30) days' notice on May 15, 1974, unless suspended by the Commission.

On May 14, 1974, the Commission entered its Decision No. 85031 suspending the effective date of the tariffs for 120 days until September 12, 1974, or until further order of the Commission. Decision No. 85031 also set the matter for hearing and due and proper notice thereof was given to all interested parties.

On May 30, 1974, the hearing dates as set forth in Decision No. 85031 were vacated and reset as follows, with due and proper notice to all interested parties:

DATE: Monday, July 8, 1974

TIME: 9 a.m.

PLACE: District Courtroom
Montrose County Courthouse
Montrose, Colorado

The additional date of July 9, 1974, was reserved for this purpose if necessary.

DATE: Wednesday, July 10, 1974

TIME: 9 a.m.

PLACE: County Courtroom - 4th Floor
Garfield County Courthouse
Glenwood Springs, Colorado

The additional date of July 11, 1974, was reserved for this purpose if necessary. The matter was heard at said times and places concurrently with I&S Docket No. 861 on a joint record by Commissioner Howard S. Bjelland, to whom the matter was assigned pursuant to law.

The following public witnesses appeared and testified at Montrose: Tom Osborn, Delta, Colorado; Eldon DeMoude, Austin, Colorado; Frank Dennis, Montrose, Colorado; Julia Foster, Montrose, Colorado; and John Neill, Hotchkiss, Colorado, and the following additional public witnesses testified at Glenwood Springs: Don Waller, Carbondale, Colorado; Charles W. Miller, Aspen, Colorado; Naomi Niemann, Glenwood Springs, Colorado; W. K. Martin, Aspen, Colorado; Phillip Mahoney, Aspen, Colorado; Thomas Steinberg, Aspen, Colorado; and William Brehmer, Aspen, Colorado.

The following employees of Respondent appeared as witnesses and gave testimony on behalf of Respondent:

Orville M. Shockley, Denver, Colorado (President,
Chief Executive Officer and member of Board of
Directors);

D. L. Parsons, Denver, Colorado (Secretary-Treasurer
and member of Board of Directors).

The following exhibits, all of which were offered in evidence, were admitted:

Exhibit No. 1 - Balance Sheet as of December 31, 1973.

Exhibit No. 2 - Statement of Income & Expense,
December 31, 1973.

Exhibit No. 3 - Statement of Retained Earnings, Twelve
Months Ended December 31, 1973.

- Exhibit No. 4 - Net Operating Income, Twelve Months Ended December 31, 1973.
- Exhibit No. 5 - Summary of Pro Forma Adjustments, Twelve Months Ended December 31, 1973.
- Exhibit No. 6 - Detail of Pro Forma Adjustments, Twelve Months Ended December 31, 1973.
- Exhibit No. 7 - Weather Normalization Summary Test Year Ended December 31, 1973.
- Exhibit No. 8 - Net Operating Income, Twelve Months Ended December 31, 1973.
- Exhibit No. 9 - Average Rate Base, Twelve Months Ended December 31, 1973.
- Exhibit No. 10 - Cost of Long-Term Debt, December 31, 1973.
- Exhibit No. 11 - Cost of Money, December 31, 1973.
- Exhibit No. 12 - Detail of Cost of Service, Test Year, December 31, 1973.
- Exhibit No. 13 - Comparative Statements of Income & Expense Period Ended May 31, 1974.
- Exhibit No. 14 - The Distaffer: The Rising Costs of Energy.
- Exhibit No. 15 - 1974-1975 Demand and Supply.
- Exhibit No. 16 - Analysis of Current Applications for Gas Service.

The Commission, on its own motion, now takes official notice of Application No. 27091 and Commission Decision No. 83966, being the application of the Respondent and the Commission decision which initiated and authorized the present moratorium. At the conclusion of the hearing, the matter of the instant proceeding was taken under advisement by the Hearing Commissioner.

FINDINGS OF FACT

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

1. Respondent, Rocky Mountain Natural Gas Company, Inc., is a public utility as defined in CRS 115-1-3 (1963, as amended), and is engaged in the business of purchasing, acquiring, distributing, furnishing and selling natural gas to its consumers principally located in the towns of Carbondale, Basalt, Olathe, Cedaredge, Hotchkiss, Paonia, Eagle, and Gypsum, and the cities of Aspen, Glenwood Springs, Delta and Montrose, and the environs of said towns and cities, all in the State of Colorado. This service territory is designated in the tariffs of the company as its Western Slope Area. The company also provides natural gas service in certain other areas in the State of Colorado.

2. The Commission has jurisdiction over the Respondent and the subject matter of this Applicant.

3. The Commission finds that the subject matter of this tariff filing is of great importance to those to be affected thereby, that due and timely execution of the Commission's functions imperatively and unavoidably requires that the recommended decision of the individual commissioner hearing this matter be omitted and that this decision should be the initial decision of the Commission.

4. On November 2, 1973, by Application No. 27091, Respondent herein filed certain tariff revisions with the stated purpose being to place a moratorium on adding new natural gas loads to Respondent's system in order that the company could utilize its existing gas supplies to provide reliable, continuous service to existing customers. The company, at that time, did not have adequate gas supplies to provide service to new consumers. By Decision No. 83966, dated November 2, 1973, the Commission allowed the proposed tariff revisions to be filed on short notice and to become effective November 2, 1973. Since that date Respondent has not connected any new customers, but has, as directed in ordering paragraph 4 of Decision No. 83966, maintained a register of customers requesting gas service after the moratorium became effective.

5. On April 15, 1974, Respondent filed with this Commission its Advice Letter No. 32, Colorado PUC No. 3, accompanied by three tariff sheets as more fully described therein and reference to which is hereby made. The stated purpose of such filing is to remove the moratorium, imposed by Decision No. 83966, from the Western Slope Service Area and in place thereof to substitute a plan or procedure for the orderly connection of existing and future applications for gas service. Should the tariffs proposed by Respondent in Advice Letter No. 32 be allowed to become effective, those persons who applied and were on the company registry list prior to April 15, 1974, will be offered immediate service connections, subject to the limitation contained in the filed tariffs. Furthermore, should the proposed tariff be allowed to become effective, the Respondent would be authorized to approve future applications for service when, in the sole and absolute discretion of the Respondent, the Respondent determines that additional capacity and peaking for the system is available to serve additional connections.

6. Respondent has had applications for new gas service between November 2, 1973, and April 15, 1974, as follows:

<u>Area</u>	<u>Equivalent No. of Meters</u>		<u>Estimated Peak Day Volume</u> <u>MCF @ 15.025</u>	
	<u>Residential</u>	<u>Commercial</u>	<u>Residential</u>	<u>Commercial</u>
Delta	224	14	199.4	56.1
Montrose	40	22	37.6	108.5
Glenwood Springs	138	12	151.8	72.5
Aspen	<u>665</u>	<u>12</u>	<u>1,090.6</u>	<u>132.5</u>
TOTAL	1,067	60	1,479.4	369.6
GRAND TOTAL	<u>1,127</u>		<u>1,849.0</u>	

If the moratorium should be lifted as proposed by Respondent, these 1,127 new customers would become immediately eligible for gas service connection.

7. Included in those applications noted in finding no. 6 are the following applications for gas to be used in public or quasi-public buildings as opposed to private, commercial or industrial use:

<u>Area</u>	<u>Estimated Peak Day Volume MCF @ 15.025</u>	
<u>Delta District:</u>		
North Fork Baptist Church, Paonia	4	
Church of Christ, Lazear	4	
Delta-Montrose Area Vocational Technical School, Delta	65	
Delta Memorial Hospital, Delta	65	
Delta Housing Authority, Delta	68	
School District No. 50, Paonia	<u>16</u>	
TOTAL		222
<u>Montrose District:</u>		
Oak Grove Elementary School	26	
Olathe Junior High School	<u>122</u>	
TOTAL		148
<u>Glenwood Springs District:</u>		
Colorado Mountain College, Glenwood Springs	12	
1 Vocational School presently under construction, to be completed by September 1974, Glenwood Springs	<u>100</u>	
TOTAL		<u>112</u>
TOTAL: Public and Quasi-Public		482

Note: An additional 372 MCF is needed to meet the requirements of three additional new school facilities in Montrose, scheduled for 1975 completion. These connections are not authorized by this decision, but will be considered at the further hearing to be held in October of 1974.

8. The actual peak day demand for gas for the 1973-1974 heating season was 25,450. The estimated peak day demand for gas for the 1974-1975 heating season is as follows:

Present customers	26,500 MCF/day
Pending applications:	
Public and Quasi-Public	<u>482</u>
	26,982 MCF/day
Pending applications:	
Other	<u>1,368</u>
TOTAL IF MORATORIUM LIFTED	28,350 MCF/day

The actual peak day demand to be experienced will to a degree vary from the estimate, depending upon a number of variable factors, such as, for example, the severity of the winter, as well as consumer conservation practices.

9. Respondent's present sources of gas (designated as sure by Respondent) are as follows:

(1) Andy's Mesa & Southeast Lisbon	4,500 MCF/day
(2) Collbran	2,000
(3) Big Hole	2,000
(4) Black Sulphur	1,500
(5) Fees	2,000
(6) Wolf Creek	3,500
(7) Propane	3,500
(8) Wolf Creek (from storage)	3,000
(9) Line Pack	<u>1,000</u>
TOTAL EXISTING	23,000 MCF/day

10. In addition, drilling will commence shortly at Fees, Black Sulphur, Big Hole, Norris Oil and Bar-X, all of which represent an additional potential (designated by Respondent as probable) source to Respondent of 11,000 MCF/day. The bulk of this drilling is being performed under contract with Respondent, and the results of this drilling, which involves 17 additional wells, should be known within 90 days. The Commission in the exercise of informed judgment, finds for the purpose of this proceeding that the Respondent at this time can rely on 35 percent of this potential gas supply for the 1974-1975 heating season, namely, 3,850 MCF per day.

11. In addition to the gas supply sources designated above, Respondent also may be able to procure additional gas on a "best efforts" basis or an emergency basis from Cities Service, Mobil, Jack Grynberg & Associates, Norris Oil, Trans-Colorado Pipeline Company, Colorado Interstate Gas, and Mountain Fuel. These possible sources of supply, in the absence of any specific commitment, cannot be accorded any weight as a reliable gas source at this time.

12. Respondent can reasonably expect at this point in time as its 1974-1974 heating season peak day supply of gas 26,850 MCF computed as follows:

Total Existing Sources	23,000 MCF/day
Total New Sources	<u>3,850</u>
Total 1974-1975 Sources	26,850 MCF/day

13. A removal of the moratorium as set forth in the proposed tariffs would result in a peak day gas shortage of 1,500 MCF which would result in inadequate and unreliable service to Respondent's customers.

14. The tariffs filed under Advice Letter No. 32 are contrary to the safety, health, comfort and convenience of Respondent's patrons and the public, and are not just and not reasonable.

15. A partial removal of the moratorium as to those public and quasi-public applications noted in finding no. 7 could result in a peak day gas shortage. Such a shortage, however, is so small as to be de minimis for the purposes of this proceeding.

16. The public and quasi-public buildings included in the applications noted in finding no. 7 will promote the safety, health, comfort and convenience of Respondent's patrons and the public.

17. A partial removal of the moratorium as to those public and quasi-public applications noted in finding no. 7 will promote the safety, health, comfort and convenience of Respondent's patrons and the public, and is just and reasonable.

18. A further hearing should be held in approximately 90 days at which time Respondent should present a detailed narrative of its historic present and future gas supplies in much greater detail than was presented at the within hearing. It would be beneficial to the Commission if Trans-Colorado Pipeline Company and/or Colorado Interstate Gas were to appear as a party or parties in this proceeding and participate in such hearing. The Commission is also of the opinion that the entire Western Slope Service Area of Respondent would benefit by the appearance of the municipalities served by Respondent in such area, as well as any other interested parties.

DISCUSSION

The problem of gas supply is neither new nor one restricted to the Respondent. A glance across the State of Colorado reveals that the problem has become one of major significance, with moratoriums or limitations of one kind or another currently in effect in most of the state. Unless and until major new sources of gas are discovered, or alternate fuel sources are developed, gas shortages will continue to exist.

The Commission has the responsibility to carefully weigh and analyze the evidence as to existing and possible sources of supply before permitting a moratorium to be lifted. The danger to public safety, health, comfort and convenience, in the event gas demand exceeds supply, is obvious, especially since gas shortages normally occur during the winter heating season when lack of supply literally becomes a matter of life or death. Furthermore, the Commission has the responsibility to require evidence to be presented which indicates a continuous supply of gas sufficient to meet future growth before it may allow a total lifting of a moratorium.

The evidence establishes that Respondent's estimated 1974-1975 heating season peak day volume for presently connected customers is 26,500 MCF and that a total lifting of the moratorium would add 1,850 MCF/day for a total estimated peak day demand of 28,350 MCF. To meet this demand Respondent has present sources of only 23,000 MCF/day, leaving a deficit of 5,350 MCF/day. Respondent presented testimony as to what it denoted as "probable" future sources and "possible" future sources of gas to make up the deficit and to show the ability of the Respondent to serve the needs of its customers over the next several years.

Respondent's evidence was to the effect that it had "probable" sources totaling 11,000 MCF/day in the form of proposed wells to be drilled

and be operational in approximately 90 days from the date of the hearings. In evaluating the weight to be given such testimony, however, the Commission would be lax in its duty if the Commission accepted the testimony at face value without drawing upon the Commission's experience in such matters. Past experience has shown that estimates of gas supply are, at best, educated guesses and cannot be fully relied upon. Furthermore, Respondent herein failed to present any expert testimony as would enlighten the Commission as to those findings and factors upon which Respondent relied in arriving at the figure of 11,000 MCF/day as Respondent's "probable" additional source. Nor, in determining the weight to be given such testimony, may the Commission ignore the fact that despite the passage of 90 days from the date Respondent filed the within tariff, no "probable" source of supply has materialized into an actual source of supply. Upon careful consideration of all these factors, the Commission finds as a matter of fact, that full reliance cannot be placed upon Respondent's estimate of "probable" sources of gas totaling 11,000 MCF/day, and that the most weight that can be given such testimony in deciding the grave issue before the Commission is 35 percent of Respondent's figure, or the figure of 3,850 MCF/day.

Respondent also presented testimony as to what Respondent denoted as "possible" sources of future supply. However, this testimony was not based upon any specific commitments and cannot at this time be given any weight or reliance. The Commission, however, is thoroughly aware of the fact that in an emergency, all gas utilities in the State of Colorado work together on a "best effort" basis to protect Colorado consumers.

Combining Respondent's existing peak day gas sources of 23,000 MCF with its reasonably foreseeable probable sources of 3,850 MCF results in a 1974-1975 heating season peak day gas supply of 26,850 MCF. Respondent's presently connected customers will consume 26,500 MCF on a peak day. A removal of the moratorium so as to allow additional peak load greatly in excess of an additional 350 MCF will endanger the safety, health, comfort and convenience of Respondent's customers and the public, and will defeat the original intent of the Respondent in establishing the moratorium in the first place, as well as the action of the Commission in approving such moratorium. A total removal of the moratorium, as proposed in Respondent's Advice Letter No. 32, would increase peak day demand 1,850 MCF, which is so far in excess of the additional 350 MCF additional supply as to endanger the safety, health, comfort and convenience of Respondent's customers and the public. Under such circumstances, it would be unjust and unreasonable, as well as unwise, to permit the proposed tariffs to take effect.

However, a partial removal of the moratorium does appear to be proper, as an additional 350 MCF/day will be available. Since all pending applications cannot at the present be honored, it is necessary for the Commission to balance the interests of the individual applicants in order to decide which applicants should receive gas. In such a balancing, it appears reasonable, upon the facts presented in this hearing, to provide gas to those structures which will benefit the largest segment of the public. The evidence as presented established the critical and urgent need to the city of Delta for the low income housing project included in the gas application of the Delta Housing Authority. Such housing will benefit not only its residents, but the entire community. Unless a commitment for gas can be made soon, the Delta Housing Authority may lose its funding through the Department of Housing and Urban Development, or may have to sharply curtail the size of the proposed development. It further appears reasonable that the usages proposed by other public and quasi-public applicants will benefit not only the immediate users, but also the entire community in which such projects may be located. Included in such applications are a hospital, two churches and several educational institutions.

The estimated peak day usage of these applicants is 482 MCF which is only slightly in excess of the reasonably anticipated peak day source. It appears a reasonable expectation that so small a need can and would be met. Therefore, the evidence establishes that a partial removal of the moratorium as to these public and quasi-public applicants will promote the safety, health, comfort and convenience of Respondent's customers and the public, and should be permitted.

The Commission decision herein should not be construed to hold that in every proceeding involving a moratorium, the Commission will give preference to applications for public or quasi-public uses. The Commission is required to see that CRS 115-3-1(2), 1963, as amended, is enforced, which provides:

" . . . every public utility shall furnish, provide and maintain such service, instrumentalities, equipment and facilities as shall promote the safety, health, comfort and convenience of its patrons, employees and the public, and as shall in all respects be adequate, efficient, just and reasonable."

The facts in this hearing were such that, in order to execute the directive of CRS 115-3-1(2), public and quasi-public users, representing community needs, will receive gas in advance of others. Should the facts be otherwise in another hearing, the results may well be different.

Several witnesses expressed a desire for additional information as to both the short-term and long-term plans of Respondent to meet the gas supply needs of the Western Slope Service Area of Respondent. As previously noted, the Respondent's supply problem is by no means unique, and it is increasingly apparent that alternate sources of fuel, where appropriate, must be resorted to by consumers. An example of such alternate fuel sources is the conversion of power plant boilers to fuels other than natural gas for the production of electricity, as such a use of natural gas is to be discouraged. However, the Commission also desires to be thoroughly informed as to Respondent's gas supply situation. Within 90 days, definite facts should be known as to the availability of gas from those sources denominated by Respondent as "probable." Therefore, a further hearing will be held in approximately 90 days, at which time the Respondent will be expected to present, in far greater detail than was done at this hearing, the total picture of its gas supply, including the history, present sources, and future short- and long-term sources of supply. Respondent shall, to the extent possible, supply copies of proposed testimony and exhibits to all parties 10 days prior to the further hearing.

CONCLUSIONS ON FINDINGS OF FACT

Based upon the foregoing findings of fact, it is concluded that:

1. The proposed tariffs in Respondent's Advice Letter No. 32 are, at this time, not consistent with the provisions of CRS 115-3-1(2), 1963 as amended.

2. A partial removal of the moratorium from Respondent's Western Slope Service Area, at this time, is in accordance with CRS 115-3-1(2), 1963 as amended.

O R D E R

THE COMMISSION ORDERS THAT:

1. The proposed tariffs in Respondent's Advice Letter No. 32, except as same applies to the following applicants for gas service from Respondent, to wit:

Delta District

North Fork Baptist Church, Paonia
Church of Christ, Lazear
Delta-Montrose Area Vocational Technical
School, Delta
Delta Memorial Hospital, Delta
Delta Housing Authority, Delta
School District No. 50, Paonia

Montrose District

Oak Grove Elementary School
Olathe Junior High School

Glenwood Springs District

Colorado Mountain College, Glenwood Springs
1 Vocation School

be, and hereby are, suspended for an additional period of 90 days or until December 11, 1974.

2. The moratorium as to gas service by Respondent, permitted by this Commission in its Decision No. 83966 be, and hereby is, removed upon the terms and conditions contained in Respondent's Advice Letter No. 32, as to the applicants listed in ordering paragraph no. 1.

3. Respondent be, and hereby is, ordered to appear at a hearing as follows, and then and there to present detailed evidence as to Respondent's past, present and future gas supplies:

DATE: October 23, 24 and 25, 1974

TIME: 10 a.m.

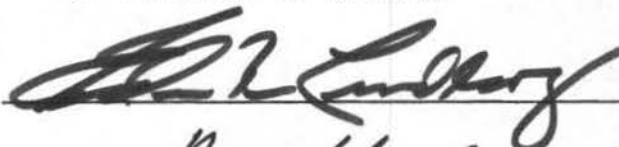
PLACE: District Courtroom
Pitkin County Courthouse
506 East Main
Aspen, Colorado

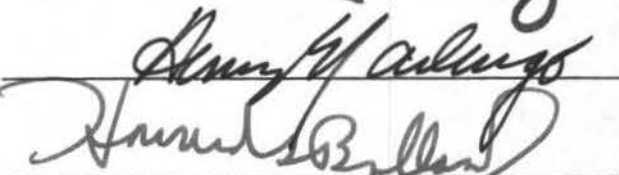
4. The Secretary of the Commission is directed to mail a copy of the within order to all parties, witnesses, Trans-Colorado Pipeline Company, Colorado Interstate Gas, and to all persons, commissions, and enterprises contained on the certificate of service filed in the Commission's official file herein.

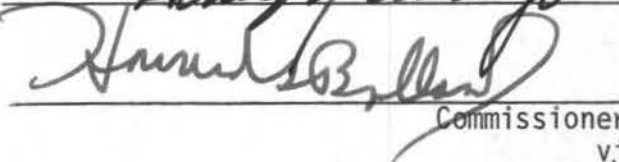
6. This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF COLORADO)
EXPEDITION CO., APPLICANT,)
REDUCING RATES AND CHARGES)
ON LESS THAN STATUTORY NOTICE.)

APPLICATION NO. 27710

ORDER AUTHORIZING EFFECTIVE DATE
OF TARIFF ON LESS THAN STATUTORY
NOTICE

July 16, 1974

STATEMENT

BY THE COMMISSION:

On July 3, 1974, Colorado Expedition Co., Applicant, filed its Passenger Tariff No. 2. On the same date, Applicant filed a petition requesting authority to place said tariff into effect on less than statutory notice.

FINDINGS OF FACT

1. Applicant is a common carrier by motor vehicle performing sightseeing service of passengers and the transport of their baggage over routes described in its tariff.

2. Applicant was granted a certificate to operate on May 13, 1974; however, it appears that Applicant has not conducted any business under its tariff No. 1 and by filing tariff No. 2 Applicant proposes to reduce its fares on most tours by \$10.00 per person in order to capture some of the seasonal tourist trade. Viz: Tour No. 1 Mosquito Pass-Leadville reduced from \$54.50 to \$44.50 per passenger; Tour No. 4 Gold Hill, Central City, Idaho Springs - Mining Country reduced from \$44.50 to \$34.50 per passenger.

3. Applicant is a newly certificated company; accordingly, statistical and financial data as to Applicant's operations are not presently available.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that it will be in the public interest to permit Applicant to place its Passenger Tariff No. 2 reducing rates and charges into effect upon not less than one day's notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicant, Colorado Expedition Co., be, and hereby is authorized to file its Passenger Tariff No. 2, Colorado PUC No. 2, to

become effective upon not less than one day's notice.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Commissioner Henry E. Zarlengo
not participating.

COMMISSIONER HENRY E. ZARLENGO NOT PARTICIPATING:

I do not participate for technical reasons.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE STATE DEPARTMENT OF HIGHWAYS,)
DIVISION OF HIGHWAYS - STATE OF)
COLORADO, FOR THE AUTHORITY TO)
INSTALL CANTILEVERED AUTOMATIC)
FLASHING LIGHT SIGNALS WITH AUDIBLE)
WARNING DEVICE AT THE EXISTING) APPLICATION NO. 27515
GRADE CROSSING OF THE COLORADO AND)
SOUTHERN RAILWAY COMPANY'S MAINLINE)
NEAR C&S MILEPOST 8.29 ON STATE)
HIGHWAY NO. 95, NEAR 86TH AVENUE ON)
SHERIDAN BOULEVARD, ON THE ADAMS-)
JEFFERSON COUNTY LINE, COLORADO.)

July 16, 1974

PROCEDURE AND RECORD

BY THE COMMISSION:

On April 19, 1974, the Division of Highways of the State of Colorado, hereinafter sometimes referred to as Division, filed its application in accordance with the rules of this Commission seeking authority to install cantilevered automatic flashing light signals with audible warning device at the grade crossing of State Highway No. 95 (Sheridan Boulevard near 86th Avenue) across the Colorado and Southern Railway Company, hereinafter sometimes referred to as C&S, mainline track at railroad milepost 8.29, on the Adams-Jefferson County line, Colorado.

Explanatory material submitted with the application is Exhibit A, a Print showing the location of the crossing.

Pursuant to Chapter 115-6-8 (2), CRS 1963, as amended, the Commission has forwarded a Notice of Filing, together with a copy of the application, to the interested parties herein. Said Notice, dated May 3, 1974, was to ascertain if any other action be considered in the matter. No adverse reply or other suggestion was received by the Commission within a period of thirty (30) days as designated in said notice.

Received by the Commission as a late filed Exhibit, on June 24, 1974, is a copy of the fully executed Agreement between the Division and the C&S pertaining to the construction, maintenance, and payment therefor, of the grade crossing protection devices contemplated herein.

Received by the Commission as a late filed Exhibit, on July 1, 1974, is a signal circuit diagram of the proposed installation.

Upon staff investigation and Commission consideration of the instant application, it appears the proposed signal installation is compatible with the public interest, and, pursuant to Chapter 115-6-9 (5), CRS 1963, as amended, the Commission determined said matter forthwith upon the record and files herein.

FINDINGS OF FACT

THE COMMISSION FINDS:

From the record and files herein, the Commission is informed in the matter and the following is found as fact that:

1. Notice of the proposed signal installation has been given by the Commission to the interested parties, and no protest in the matter has been received.

2. With reference to the instant application, State Highway No. 95 is a north-south arterial highway extending from an intersection with State Highway No. 285 near Fort Logan northerly to a junction with State Highway No. 36 north of 88th Avenue. Prior to May of 1973, State Highway 95 terminated at 80th Avenue. In conjunction with a recently completed diamond interchange on State Highway No. 36 at Sheridan Blvd., the Division extended State Highway No. 95 north from 80th Avenue to the new interchange. The crossing is located near 86th Avenue at C&S milepost 8.29 on the Adams-Jefferson County line. The Division plans anticipate construction of a separation structure at the crossing in the future when warranted by increasing traffic. Currently the Division plans no widening of the existing two-lane roadway at the crossing location.

3. The purpose of this application is to secure Commission approval for construction installation, operation and maintenance of cantilevered automatic flashing light signals with audible warning device at the instant crossing.

4. The proposed signals would replace the existing protection which consists of railroad cross bucks and highway stop signs.

5. The average daily vehicular traffic (ADT) on State Highway No. 95 at the instant crossing is approximately 6,400 with an allowable vehicle speed of 35 miles per hour (M.P.H.). The Division anticipates that by 1993 the ADT will increase to 19,500. Six scheduled freight trains pass over the crossing daily, 4 during daytime and 2 at night, with a maximum train speed of 49 M.P.H., with no switching movements. The single mainline track crosses the roadway at approximately 45° angle. Sight distance is restricted to 2,000 feet in the northeast quadrant, 1,800 feet in the northwest quadrant, 700 feet in the southwest quadrant and 1,600 feet in the southeast quadrant.

6. The Division represents that, because of projected increase in traffic over the instant crossing and the restricted visibility at said crossing, the present protection will soon be inadequate and that the construction contemplated herein is for the safety and convenience of the public using the highway and for the safe operation of the C&S.

7. An Agreement, dated June 10, 1974, pertaining to the work to be done and payments therefor, has been entered into by and between the Division and the C&S. A copy of said Agreement has been received by the Commission as an exhibit herein. The work to be done will be paid for in accordance with appropriate rules and regulations of the Federal Government and is covered by said Agreement.

8. Maintenance, repair, and operation of the grade crossing signals at the instant grade crossing shall be and remain the responsibility of the C&S and is covered by said Agreement.

CONCLUSIONS ON FINDINGS OF FACT

Based on all the evidence of record and the above and foregoing findings of fact, it is concluded that:

1. As provided by 115-4-6(2)(a), CRS 1963, as amended, the Commission has jurisdiction in the instant matter.
2. Notice of the proposed highway/railroad grade crossing protection installation has been given by the Commission, and no protest in the matter has been received.
3. The public safety, convenience, and necessity require and will be served by installation of the automatic crossing protection devices as proposed herein.
4. The authority as sought in the instant application for approval to install automatic cantilever flashing lights with audible warning device should be granted.

An appropriate order will be entered.

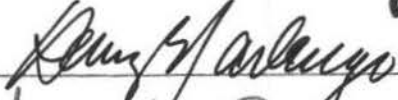
ORDER

THE COMMISSION ORDERS:

1. That authority and approval be, and hereby is, granted to the Division of Highways, State of Colorado, for the installation, operation and maintenance of automatic flashing light signals on cantilever mast units with audible warning device at the railroad/highway grade crossing of State Highway No. 95 (Sheridan Boulevard) across the C&S mainline track at railroad milepost 8.29, on the Adams-Jefferson County line, Colorado.
2. That the work to be done, and payment therefor shall all be performed and paid by the Division of Highways, State of Colorado, and Colorado and Southern Railway Company as set forth in the appropriate agreements, plans, specifications and exhibits, all as contained herein. Said agreements, plans, specifications and exhibits shall be, and hereby are, incorporated by reference and made a part hereof.
3. That the maintenance and repair of the railroad signals and components at said grade crossing shall be and remain the responsibility of the Colorado and Southern Railway Company.
4. That the Commission hereby retains jurisdiction to make such further order or orders as may be required in the instant matter.
5. This Order shall become effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO,	)	RECOMMENDED DECISION OF
	)	ROBERT L. PYLE, EXAMINER
Respondents.)	

- - - - -
July 17, 1974
- - - - -

Appearances: George L. Baker, Denver, Colorado,
of the Staff of the Commission.

STATEMENT

Each of the cases listed on the attached "Appendix A" was instituted by Notice of Hearing and Order to Show Cause duly issued pursuant to law by the Secretary of the Commission and served upon the respective Respondents on July 1, 1974. The matters were duly called for hearing pursuant to such notice on Monday, July 15, 1974, at 9 a.m. in the Commission Hearing Room, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in these proceedings pursuant to law.

None of the Respondents listed in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of Chapter 115, Article 6, Colorado Revised Statutes (1963), as amended, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision, which contains his findings of fact and conclusions thereon, together with the recommended order or requirement.

FINDINGS OF FACT

Based upon all the evidence of record, the following is found as fact that:

1. The records and files of the Commission do not disclose that the requirements, as listed in "Appendix A" hereto and by reference incorporated hereinto, are now on file with the Commission in full compliance with the Public Utilities Law of this state and the rules and regulations of this Commission.

2. The said Respondents, and each of them, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid findings of fact, it is concluded that:

1. The operating authorities of the Respondents should be revoked for failure to keep on file with the Commission the requirements as listed in "Appendix A," and failure, without good cause shown, to appear at hearing as lawfully ordered by the Commission.

2. Pursuant to 115-6-9(2), CRS 1963, as amended, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

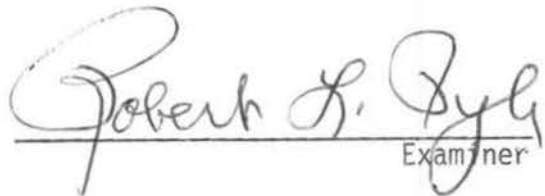
2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof as to each respective Respondent who files the specified requirements as listed in "Appendix A" prior to the effective date of this Order.

3. This Recommended Decision shall be effective on the day it becomes the Decision of the Commission, if such be the case, and is entered as of the date hereinabove set out.

4. As provided by 115-6-9(2), CRS 1963, as amended, copies of this Recommended Decision shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty (20) days after service upon the parties or within such extended period of time as the Commission may authorize in writing (copies of any such extension to be served upon the parties), or unless such Decision is stayed within such

time by the Commission upon its own motion, such Recommended Decision shall become the Decision of the Commission and subject to the provisions of 115-6-14, CRS 1963, as amended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Frank A. Compton dba Avco Custom Services 533 Elm Avenue Akron, CO 80720	27327-PP-Tfr.	Acceptance of Transfer, Tariff, COD	276-App.
Thomas James Tofflemoyer, dba Hi Tower Trucking 308 Flicker Drive Fort Collins, CO 80521	27408-PP	PLPD Ins., Cargo Ins.	277-App.
Victor Greenfield, dba Lamar Taxi Company 108 West Olive Street Lamar, CO 81052	27356-Tfr.	PLPD Ins. for both Transferor and Transferee, Acceptance of Transfer, Tariff, Terminating Report	281-App.
Larimer County House Moving, Inc. P.O. Box 182 Loveland, CO 80537	27303-Tfr.	PLPD Ins., Cargo Ins., Tariff, COD, Acceptance of Trans- fer, Terminating Report, List of Equipment	282-App.
Lucius, Inc. 5290 North Wadsworth Boulevard Broomfield, CO 80020	27404-PP-Tfr.	PLPD Ins., Cargo Ins., Tariff, COD, Designation of Agent	283-App.
Donald R. Nelson Hugo, CO 80821	27373-PP	Tariff	284-App.
Billy A. Simmons 7471 Brockway Drive Boulder, CO 80303	27390-PP	Issuance Fee	286-App.
Michael Eugene Tofflemoyer 10946 West Texas Lakewood, CO 80226	27400-PP	Cargo Ins.	287-App.

IF YOU HAVE ANY QUESTIONS REGARDING THE ABOVE, PLEASE CONTACT THE TRANSPORTATION DEPARTMENT, PUBLIC UTILITIES COMMISSION -- 892-3171.

(Decision No. 85399)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF EAGLE COUNTY)
TRASH REMOVAL SERVICE, INC.,)
TARIFF NO. 3, COLORADO PUC NO.)
3, INCREASING RATES AND CHARGES.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 876

July 16, 1974

STATEMENT

BY THE COMMISSION:

On June 13, 1974, Eagle County Trash Removal Service, Inc., Respondent, filed its Motor Freight Tariff No. 3, Colorado PUC No. 3, increasing rates and charges to become effective July 20, 1974.

FINDINGS OF FACT

The tariff filing of Eagle County Trash Removal Service, Inc. of its Motor Freight Tariff No. 3, if permitted to become effective, would result in increased rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.
2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

ORDER

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of said tariff filing of increased rates and charges published by Eagle County Trash Removal Service, Inc., in its Motor Freight Tariff No. 3.
2. That the investigation in this proceeding shall not be limited to the matters and issues hereinbefore stated for instituting this investigation but shall include all matters and issues with respect to the lawfulness of said tariffs under the Public Utilities Law.
3. That neither the tariffs 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon Mervyn L. Lapin, President, Eagle County Trash Removal Service, Inc., 310 Mill Creek Court Building, Vail, CO 81657. The necessary suspension supplement to Tariff No. 3 shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen 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, and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 876, be, and the same is hereby, set for hearing before the Commission on:

Date: September 27, 1974

Time: 10:00 a.m.

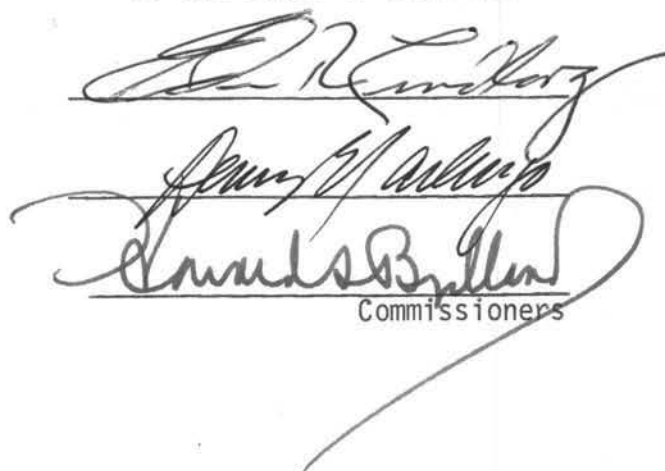
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published by Eagle County Trash Removal Service, Inc., in its Motor Freight Tariff No. 3, Colorado PUC No. 3, be, and the same hereby are suspended for a period of 120 days to and including November 17, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HARLIN G. KNIGHT, DOING BUSINESS AS)
"WHITE RIVER DISPOSAL," 318 EAST MAIN,)
RANGELY, COLORADO FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE, AND INTER-)
EST IN AND TO CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
6784 TO PAUL ETCHEVERRY, DOING BUSINESS)
AS "WHITE RIVER DISPOSAL," 318 EAST)
MAIN, RANGELY, COLORADO.)

APPLICATION NO. 27611-Transfer

ORDER OF THE COMMISSION

July 23, 1974

Appearances: Eugene H. Mast, Esq., Grand Junction, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 6784, as granted by Commission Decision No. 77773 dated June 2, 1971, and as amended by Decision No. 79404 dated January 13, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

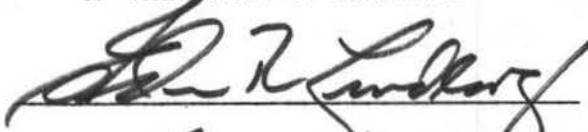
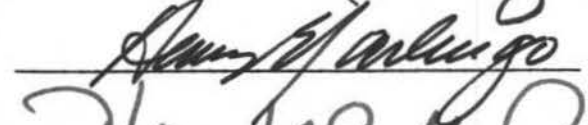
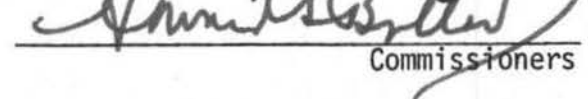
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ALLEN MITCHEK, P.O. BOX 967,)	
STERLING, COLORADO, FOR AUTHORITY)	APPLICATION NO. 27346-PP-Extension
TO EXTEND OPERATIONS UNDER PERMIT)	
NO. B-7046.)	

July 16, 1974

STATEMENT

BY THE COMMISSION:

On June 27, 1974, Thomas M. McCaffrey, Examiner, entered his Recommended Decision No. 85284 in the within matter wherein the authority sought by Applicant was granted subject to certain restrictions.

On July 9, 1974, Protestant, Robert D. Hounshell, doing business as "Platte Valley Freightways," filed a "Request for Corrections." This request asks that certain corrections be made in the Recommended Decision of the Hearing Examiner. The Request for Corrections has been consented to by the Applicant and shall be treated as the timely filing of Exceptions to the Recommended Decision. As such, the Exceptions will be granted.

FINDINGS OF FACT

The Commission has determined that the Examiner's Findings of Fact in Decision No. 85284 should be adopted as its own except as follows:

Paragraph "(A)" is changed to read as follows:

- "(A) Transportation services rendered under Items (1) and (2) are restricted to shipments, in bulk, between Sterling, Colorado, on the one hand, and on the other hand (a) Denver and Julesburg, Colorado; (b) all points intermediate between Fort Morgan and Julesburg on Interstate Highway No. 80S and U.S. Highway No. 138; (c) all points within five miles of U.S. Highway No. 6 and U.S. Highway No. 138 and Interstate Highway No. 80S from Fort Morgan to Sterling; and (d) all points within five miles of Denver, Fort Morgan, and Julesburg, Colorado."

CONCLUSIONS ON FINDINGS OF FACT

Based on the aforesaid Findings of Fact, it is concluded that the authority sought by the Applicant should be granted and that such grant should be restricted as hereinafter set forth.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Request for Corrections" (herein treated as Exceptions) filed by Protestant, Robert D. Hounshell, doing business as "Platte Valley Freightways," be, and the same hereby is, granted.

2. The Findings of Fact of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 85284, as modified in this Decision be, and hereby are, adopted by the Commission.

3. The Examiner's Recommended Order in Decision No. 85284 (which is incorporated herein by reference), be, and hereby is, entered as the Order of the Commission herein with the following modifications:

Paragraph 1., RESTRICTION: (1) is modified to read:

"(1) To rendering transportation service of shipments in bulk between Sterling, Colorado, on the one hand, and

(a) Denver and Julesburg, Colorado;

(b) all intermediate points located on Interstate Highway 80S & U.S. Highway 138 between Fort Morgan, Colorado and Julesburg, Colorado;

(c) all points lying within five (5) miles on either side of that portion of U.S. Highway Nos. 6 and 138 and Interstate 80S lying between Fort Morgan, Colorado and Sterling, Colorado;

(c) all points lying within five (5) mile radius of Denver, Fort Morgan and Julesburg, Colorado

on the other hand.

Paragraph 2., the third RESTRICTION heading is modified to read:

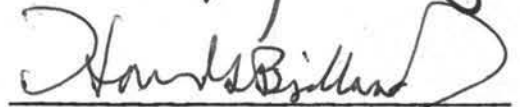
"RESTRICTION: Items 7 & 8 are restriced as follows:

(1) To the rendering of transportation service of shipments in bulk."

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: THE MATTER OF MARTINEZ TRASH)
AND GARBAGE TARIFF NO. 5 INCREASING)
RATES AND CHARGES.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 877

July 16, 1974

STATEMENT

BY THE COMMISSION:

On June 14, 1974, Martinez Trash and Garbage, Respondent, filed its Motor Tariff No. 5, Colorado PUC No. 5, increasing rates and charges to become effective July 20, 1974.

FINDINGS OF FACT

The tariff filing of Martinez Trash and Garbage of its Motor Tariff No. 5, if permitted to become effective, would result in increased rates and charges.

CONCLUSIONS ON FINDINGS OF FACT

1. Review of the data submitted by the carrier in support of the tariff filing indicates that the said filing may be in violation of the Public Utilities Law.

2. It is in the public interest to set the said tariff filing for hearing and to suspend the same for 120 days, unless otherwise ordered by the Commission.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of said tariff filing of increased rates and charges published by Martinez Trash and Garbage, in its Motor Tariff No. 5.

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

3. That neither the tariffs 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.

4. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon John Robert Martinez, 326 Palmer Street, Salida, CO 81201. The necessary suspension supplement to Tariff No. 5 shall be issued, filed and posted to the respective tariff referred to in the Statement and Order hereof.

5. That fifteen 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, and a list of its witnesses.

6. That this Investigation and Suspension Docket No. 877, be, and the same is hereby, set for hearing before the Commission on:

Date: September 20, 1974

Time: 10:00 a.m.

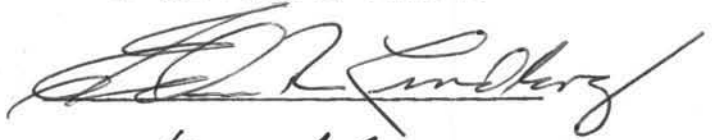
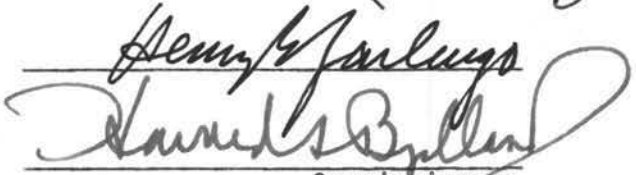
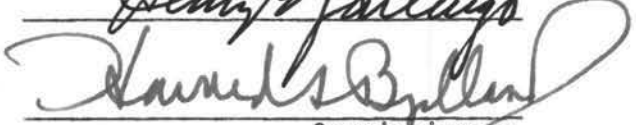
Place: Hearing Room, 500 Columbine Building,
1845 Sherman Street, Denver, CO 80203

7. That the resulting increased rates and charges published by Martinez Trash and Garbage, in its Motor Tariff No. 5, Colorado PUC No. 5, be, and the same hereby are, suspended for a period of 120 days to and including November 17, 1974, unless otherwise ordered by the Commission.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE: SUPPLEMENT K-8 TO TARIFF OF)
INCREASED RATES AND CHARGES)
X-305-A.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 878

July 16, 1974

STATEMENT

BY THE COMMISSION:

On June 18, 1974, E. A. McCarron, Tariff Publishing Officer, for and on behalf of Colorado Railroads transporting intrastate traffic within the State of Colorado, filed Supplement K-8 to Tariff of Increased Rates and Charges X-305-A. Said supplement has a proposed effective date of July 20, 1974 and if allowed to become effective would increase intrastate rates and charges by ten (10) percent.

On July 1, 1974, Protest and Petition for Suspension was filed with the Commission by J. M. Holt, Transportation and Traffic Manager, for and on behalf of The Great Western Sugar Company, Denver, Colorado. Said Petition and Protest was limited to the application of the proposed increased rates on sugar beets, molasses and beet sugar final.

FINDINGS OF FACT

THE COMMISSION FINDS AS FACT, THAT:

1. No supporting data, as required by Rule 19-D of the Commission's Rules of Practice and Procedure, has been filed by the Respondent Railroads which specifically refers to Tariff X-305-A.
2. The only supporting data filed by Respondents were copies of the Statements and Data filed by Respondents with the Interstate Commerce Commission in connection with Tariff X-305.
3. Tariff X-305-A was issued in lieu of Tariff X-305 pursuant to an Order of the Interstate Commerce Commission.
4. The data filed in connection with Tariff X-305 includes the system figures of the Respondent Railroads.
5. No intrastate data has been provided.
6. No data has been provided which would enable the Public Utilities Commission of the State of Colorado to determine the intrastate needs of the Respondent Railroads.

CONCLUSIONS ON FINDINGS OF FACT

THE COMMISSION CONCLUDES, THAT:

1. Supplement K-8 to Tariff of Increased Rates and Charges X-305-A should be set for hearing and suspended.

2. Respondent Railroads should be directed to provide specific intrastate data in support of the proposed increase.

3. The specific intrastate data should include a break down of the major commodities moving intrastate via each of the Respondent Railroads but that said data should not be required from those Respondents whose annual revenue from Colorado intrastate traffic is less than \$1,000,000 per year.

4. The total revenue reported in paragraph three above should equal the total reported by Respondent in Annual Report R-1, Schedule 710, Line 1 (Freight). For example, the major commodities would be specifically listed and an additional listing of all other commodities would have to be included to arrive at the correct total.

5. The break down of data to be provided individually by the Respondent Railroads should include the following statistics for a base year (1973 or any other year relevant to the current operations of the railroad):

- By Commodity:
- a. Number of Cars
 - b. Average Revenue per Car
 - c. Average Operating Cost per Car

6. The base year statistics in paragraph four herein should be adjusted to reflect:

- a. Rate increases authorized by the Public Utilities Commission of Colorado since the base year date, and
- b. Cost changes on labor and on material used from base year to current date.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter upon a hearing concerning the lawfulness of Supplement K-8 to Tariff of Increased Rates and Charges X-305-A.

2. That Supplement K-8 to Tariff of Increased Rates and Charges X-305-A be, and it hereby is, suspended for a period of 120 days or until November 17, 1974, unless otherwise ordered by the Commission.

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

4. That neither the schedules hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

5. That a copy of this Order shall be filed with the schedules in the Office of the Commission and that a copy hereof be served upon E. A. McCarron, Tariff Publishing Officer, 300 West Adams Street, Chicago, IL 60606. The necessary suspension supplement shall be issued, filed and posted to the respective tariffs referred to in the Statement and Order hereof.

6. That fifteen (15) days prior to the hearing date herein, Respondent shall provide the Secretary of the Commission with copies of any and all exhibits which they intend to introduce in evidence in support of their case, and a list of their witnesses.

7. That this Investigation and Suspension Docket No. 878, be, and the same is hereby, set for hearing before the Commission on:

Date: October 7, 1974

Time: 10:00 a.m.

Place: Hearing Room, 500 Columbine Bldg.,
1845 Sherman St., Denver, CO 80203

8. That said exhibits shall include but not be limited to: Specific Intrastate Data concerning the major commodities (not less than 5) moving intrastate within Colorado.

9. That the specific data by commodity shall be for a base year and shall include:

- a. Number of Cars
- b. Average Revenue per Car
- c. Average Operating Cost per Car

10. That the base year statistics required herein shall be adjusted to reflect:

- a. Rate increases authorized by the Public Utilities Commission since the base year data, and
- b. Cost changes on labor and on material used from base year to current date.

11. That in addition to the specific data listed in Ordering Paragraph Seven herein for the major commodities, one additional listing giving data for "All Other Commodities" will have to be made so that the total revenue will equal that reported by each Respondent in the Annual Report R-1, Schedule 710, Line 1 (Freight).

12. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 16th day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

A handwritten signature in cursive script, appearing to read "J. R. Emory", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Henry H. Paulsen", written over a horizontal line.A handwritten signature in cursive script, appearing to read "Harold S. Belland", written over a horizontal line.
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DEAN ERNST, DOING BUSINESS AS)
"DEAN ERNST DELIVERY SERVICE," 711)
LANSING, COLORADO SPRINGS, COLORADO)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CONTRACT)
CARRIER PERMIT NO. B-5491 TO LEON)
REDIGER, DOING BUSINESS AS "R.E.D.S.,")
2826 CARMEL CIRCLE, COLORADO SPRINGS,)
COLORADO.)

APPLICATION NO. 27647-PP-Transfer
ORDER OF THE COMMISSION

- - - - -
July 23, 1974
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed, and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title, and interest in and to Contract Carrier Permit No. B-5491, as granted by Commission Decision No. 68577 dated November 28, 1966, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

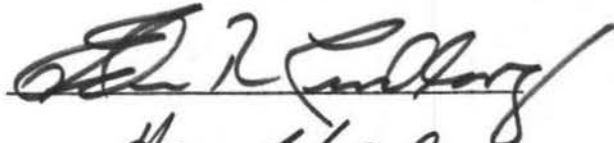
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Permit up to the time of transfer.

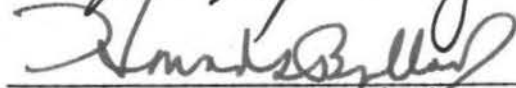
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE BOLGER AND ALEX G. WEIMER, DOING)
BUSINESS AS "B & W DISPOSAL SERVICE,")
1820 SOUTH JULIAN STREET, DENVER,)
COLORADO FOR AUTHORITY TO TRANSFER ALL)
RIGHT, TITLE AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 2156 TO B & W DISPOSAL)
SERVICE, INC., 571 UTICA STREET, DENVER,)
COLORADO.)

APPLICATION NO. 27641-Transfer
ORDER OF THE COMMISSION

- - - - -
July 23, 1974
- - - - -

Appearances: William Andrew Wilson, Esq., Denver, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2156, as granted by Commission Decision No. 64574 dated February 18, 1965, and as amended by Decision No. 79404 dated January 13, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

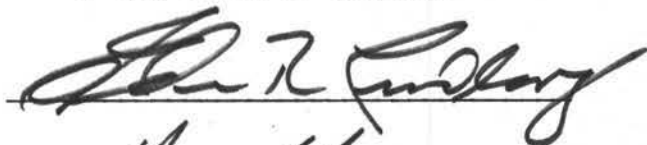
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAKE BOLGER AND ALEX G. WEIMER, DOING)
BUSINESS AS "B & W DISPOSAL SERVICE,")
1820 SOUTH JULIAN STREET, DENVER,)
COLORADO FOR AUTHORITY TO TRANSFER ALL)
RIGHT, TITLE AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 3199 TO B & W DISPOSAL)
SERVICE, INC., 571 UTICA STREET, DENVER,)
COLORADO.)

APPLICATION NO. 27642-Transfer
ORDER OF THE COMMISSION

- - - - -
July 23, 1974
- - - - -

Appearances: William Andrew Wilson, Esq., Denver, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1963, 115-6-8 (2); that no protest, objection or petition to intervene or otherwise participate in the proceeding has been filed by any person within the time prescribed and that the herein proceeding is therefore noncontested and unopposed; and that pursuant to CRS 1963, 115-6-9 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing.

AND IT FURTHER APPEARING, That the evidence heretofore submitted amply warrants approval of the transfer as hereinafter ordered;

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfer is compatible with the public interest;

AND WE FURTHER FIND, That Transferee is fit, willing and able to properly engage in bona fide motor carrier operations under the authority to be transferred.

An appropriate order will be entered.

IT IS ORDERED, That Applicants named in the caption above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 3199, as granted by Commission Decision No. 78873 dated October 19, 1971, and as amended by Commission Decision No. 79404 dated January 13, 1972, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said transfer shall become effective only if and when, but not before, said Transferor and Transferee have advised the Commission in writing 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.

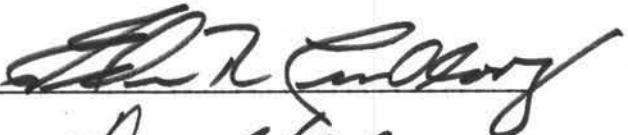

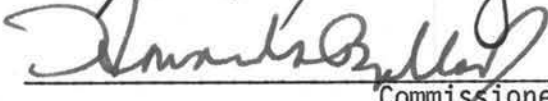
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Transferee to operate under this Order shall be dependent upon compliance with all present and future laws and rules and regulations of the Commission, and the filing by Transferor of delinquent reports, if any, covering operations under said Certificate up to the time of transfer.

AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 23rd day of July, 1974.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 85407)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY PUBLIC SERVICE)
COMPANY OF COLORADO UNDER ADVICE LETTER)
NO. 190 - GAS AND UNDER ADVICE LETTER)
NO. 643 - ELECTRIC.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 868

- - - - -
July 19, 1974
- - - - -

Appearances: Bryant O'Donnell, Esq., and
Donald D. Cawelti, Esq.,
Denver, Colorado, for
Respondent;
David W. Ferguson, Esq., and
Thomas G. Brown, Esq., (Welborn,
Dufford, Cook & Brown) Denver,
Colorado, for CF&I Steel
Corporation;
John L. Mathews, Esq., Denver,
Colorado, for General Services
Administration and all other
executive agencies of the United
States;
Tucker K. Trautman, Esq., Denver,
Colorado, of Legal Aid Society of
Metropolitan Denver for Darold and
Amye Martin, Helen Bradley, Laura
Jones, Wilson E. Thompson, Barbara
Barner, Coreen Patrick, Sonja Jones
and Priscilla Vigil;
Kenneth R. Fish, Denver, Colorado,
for Colorado Public Interest Research
Group, Inc.;
Jay W. Swearingen, Esq., Denver, Colorado,
for Colorado Association of School
Boards; Cherry Creek School District No.
5 in the County of Arapahoe and State of
Colorado;
Archie Calvaresi, Denver, Colorado, pro se;
John E. Archibold, Esq., and
Oscar Goldberg, Esq., and
Bruce C. Bernstein, Esq., Denver, Colorado,
Counsel for the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1974, counsel for the Commission, parties and intervenors, as set forth under Appearances, met before the Commission for the purpose of considering additional hearing dates and procedures for the presentation of testimony and other evidence in the within docket, pursuant to its Decision No. 85241, dated June 21, 1974.

The Commission noted that pursuant to the aforesaid Decision, parties and counsel were permitted, but not required, to submit written comments and/or proposals with respect to hearings and procedure for the presentation of testimony and other evidence prior to July 10, 1974. Proposals were submitted by Public Service Company of Colorado and the General Services Administration, respectively.

As a preliminary matter, Mr. Jay W. Swearingen, attorney for the Intervenor, Colorado Association of School Boards, stated for the record that he was also representing the Intervenor, Cherry Creek School District No. 5 in the County of Arapahoe and State of Colorado, in lieu of its attorney, Richard L. Banta, Jr., and moved that the foregoing interventions of the Colorado Association of School Boards and Cherry Creek School District No. 5, respectively, be joined. The motion was granted.

A recess was called and informal conversation proceeded among counsel. After the recess counsel made statements on the record before the Commission. Upon consideration of the statements and arguments of counsel in this proceeding, the Commission finds and concludes that the additional hearing dates and procedures should be established as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. Further hearing on the above-entitled docket be, and hereby is, set for the presentation of Respondent's direct case, to be followed immediately by cross-examination, which will be limited to questions in clarification of testimony and exhibits, as follows:

DATES AND TIMES: Tuesday, August 6, 1974, 2 p.m.
Wednesday, August 7, 1974, 10 a.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Thursday, August 8, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event an additional hearing day is required for the foregoing purpose.

2. Cross-examination with respect to Respondent's direct case be, and hereby is, set as follows:

DATES AND TIMES: Monday, August 19, 1974, 10 a.m.
Tuesday, August 20, 1974, 2 p.m.
Wednesday, August 21, 1974, 10 a.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Thursday, August 22, 1974, (10 a.m.) and Friday, August 23, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event additional hearing days are required for the foregoing purpose.

3. The presentation of the direct cases by intervenors and presentation of testimony by the Staff of the Commission, together with cross-examination thereon and rebuttal by the Respondent, is set as follows:

DATES AND TIMES: Wednesday, September 4, 1974, 10 a.m.
Thursday, September 5, 1974, 10 a.m.
Friday, September 6, 1974, 10 a.m.
Monday, September 9, 1974, 10 a.m.
Tuesday, September 10, 1974, 2 p.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Wednesday, September 11, 1974 (10 a.m.) Thursday, September 12, 1974 (10 a.m.) and Friday, September 13, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event additional hearing dates are required for the foregoing purpose.

4. The testimony of public witnesses who desire to be heard on the aforesaid dates will be taken as the first order of business at such hearings and that additional hearing dates for the purpose of testimony of public witnesses be as follows:

DATES AND TIMES: Tuesday, August 13, 1974, 7 p.m.
Tuesday, August 27, 1974, 7 p.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

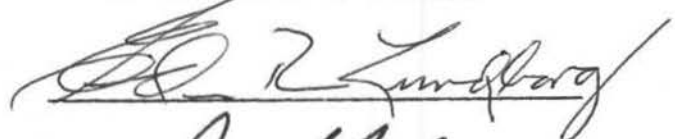
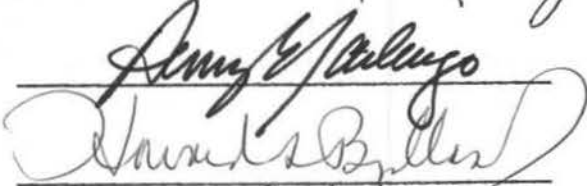
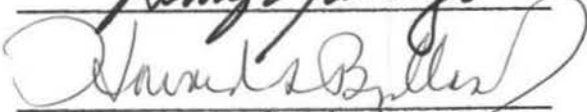
5. On or before July 26, 1974, Public Service Company of Colorado, Respondent, be, and hereby is, directed to furnish a copy of its prepared testimony and exhibits to counsel for the Commission and to all intervenors.

6. Each party and the Staff of the Commission may introduce testimonial evidence by the identification of prepared written testimony by the witness involved, or by having a witness testify orally as to all or part of his or her testimony. Each party and the Staff of the Commission further has the option of proceeding in written or oral form to all or part of its testimony.

7. This order is subject to amendment or modification upon proper application by any of the parties, or upon the Commission's own motion, which amendment or modifications, if any, shall be set forth by further order of the Commission.

8. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
19th day of July, 1974.

jp

(Decision No. 85408)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PROPOSED INCREASED)
RATES AND CHARGES CONTAINED IN TARIFF)
REVISIONS FILED BY MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 987.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 867

July 19, 1974

Appearances: Denis Stack, Esq., Denver, Colorado,
for Respondent;
John G. Salmon, Esq., (Rothgerber,
Appel and Powers) Denver, Colorado,
for Colorado Senior Action Committee;
James M. Lyons, Esq., (Rothgerber, Appel
and Powers) Denver, Colorado, for
Sturgeon Electric Company and
Sears, Roebuck and Company;
Jane Kardokus, Esq., Denver, Colorado,
for Colorado Department of Education;
Tucker K. Trautman, Esq., Denver, Colorado,
of Legal Aid Society of Metropolitan
Denver, for Darold and Amye Martin, et al;
Kenneth R. Fish, Denver, Colorado,
for Colorado Public Interest Research
Group, Inc.;
John L. Mathews, Esq., Denver, Colorado, for
General Services Administration and all
other executive agencies of the United
States;
Jay W. Swearingen, Esq., Denver, Colorado,
for Colorado Association of School
Boards;
John P. Thompson, Esq., Denver, Colorado
for J. C. Penney Company, Inc.;
John P. Holloway, Resident Counsel, Regent
Hall, Boulder, Colorado, for University
of Colorado;
David W. Fergason, Esq., and
Thomas G. Brown, Esq. (Welborn, Dufford,
Cook & Brown) Denver, Colorado, for
CF&I Steel Corporation;
William H. McEwan, Esq., and
Leonard M. Campbell, Esq., Denver, Colorado,
for Colorado Municipal League;

Leonard J. Squires, Lakewood, Colorado, pro se;
Archie Calvaresi, Denver, Colorado, pro se;
Sander N. Karp, Esq., Denver, Colorado, for
Colorado Workers Unity Organization;
Elbridge G. Burnham, Denver, Colorado, pro se;
Richard C. Lusk, Denver, Colorado, pro se;
John E. Archibold, Esq., and
Oscar Goldberg, Esq., and
Bruce C. Bernstein, Esq., Denver, Colorado,
Counsel for the Commission.

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 17, 1974, counsel for the Commission, parties and intervenors, as set forth under Appearances, met before the Commission for the purpose of considering additional hearing dates and procedures for the presentation of testimony and other evidence in the within docket, pursuant to its Decision No. 85240, dated June 21, 1974.

The Commission noted that pursuant to the aforesaid Decision, parties and counsel were permitted, but not required, to submit written comments and/or proposals with respect to hearings and procedure for the presentation of testimony and other evidence prior to July 10, 1974. No such proposals were submitted to the Commission.

A recess was called and informal conversation proceeded among counsel. After the recess counsel made statements on the record before the Commission. Upon consideration of the statements and arguments of counsel in this proceeding, the Commission finds and concludes that the additional hearing dates and procedures should be established as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS THAT:

1. Further hearing on the above-entitled docket be, and hereby is, set for the presentation of Respondent's direct case, to be followed immediately by cross-examination, which will be limited to questions in clarification of testimony and exhibits, as follows:

DATES AND TIMES: Monday, August 12, 1974, 10 a.m.
Tuesday, August 13, 1974, 2 p.m.
Wednesday, August 14, 1974, 10 a.m.
Thursday, August 15, 1974, 10 a.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Friday, August 16, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event an additional hearing day is required for the foregoing purpose.

2. Cross-examination with respect to Respondent's direct case be, and hereby is, set as follows:

DATES AND TIMES: Tuesday, October 15, 1974, 2 p.m.
Wednesday, October 16, 1974, 10 a.m.
Thursday, October 17, 1974, 10 a.m.
Friday, October 18, 1974, 10 a.m.
Monday, October 21, 1974, 10 a.m.
Tuesday, October 22, 1974, 2 p.m.
Wednesday, October 23, 1974, 10 a.m.
Thursday, October 24, 1974, 10 a.m.
Friday, October 25, 1974, 10 a.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Tuesday, October 29, 1974 (2 p.m.), Wednesday, October 30, 1974 (10 a.m.) and Thursday, October 31, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event additional hearing days are required for the foregoing purpose.

3. The presentation of the direct cases by intervenors and presentation of testimony by the Staff of the Commission, together with cross-examination thereon and rebuttal by the Respondent, will commence as follows:

DATES AND TIMES: Monday, November 11, 1974, 10 a.m.
Tuesday, November 12, 1974, 2 p.m.
Wednesday, November 13, 1974, 10 a.m.
Thursday, November 14, 1974, 10 a.m.
Friday, November 15, 1974, 10 a.m.
Monday, November 18, 1974, 10 a.m.
Tuesday, November 19, 1974, 2 p.m.
Wednesday, November 20, 1974, 10 a.m.
Thursday, November 21, 1974, 10 a.m.
Friday, November 22, 1974, 10 a.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and that Monday, November 25, 1974 (10 a.m.), Tuesday, November 26, 1974 (10 a.m.), Wednesday, November 27, 1974 (10 a.m.) and Friday, November 29, 1974 (10 a.m.) be reserved on the calendar of the Commission in the event additional hearing dates are required for the foregoing purpose.

4. The testimony of public witnesses who desire to be heard on the aforesaid dates will be taken as the first order of business at such hearings and that additional hearing dates for the purpose of testimony of public witnesses be as follows:

DATES AND TIMES: Tuesday, October 8, 1974, 7 p.m.
Wednesday, October 9, 1974, 7 p.m.

PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

and

DATE: Wednesday, October 9, 1974

TIME: 10 a.m.

PLACE: District Court Courtroom
Larimer County Courthouse
200 West Oak Street
Fort Collins, Colorado

and

DATE: Friday, October 11, 1974

TIME: 10 a.m.

PLACE: Room 410-A
Federal Building
5th and Main
Pueblo, Colorado

and

DATE: Friday, November 1, 1974

TIME: 10 a.m.

PLACE: Division 1, District Courtroom
Mesa County Courthouse
Sixth and Rood Avenue
Grand Junction, Colorado

and

DATE: Friday, November 8, 1974

TIME: 10 a.m.

PLACE: Columbine Room
LaPlata County Courthouse
1001 2nd Avenue
Durango, Colorado

5. Respondent will order a daily transcript of the proceedings and arrange to have filed with the Commission the original and four copies thereof, which shall be available for examination by any party, the Staff of the Commission, its or his own counsel, or any Commissioner, after the same has been prepared.


6. Each party and the Staff of the Commission may introduce testimonial evidence by the identification of prepared written testimony by the witness involved, or by having a witness testify orally as to all or part of his or her testimony. Each party and the Staff of the Commission further has the option of proceeding in written or oral form to all or part of its testimony.


7. Counsel for intervenors, at their option, may meet in the principal hearing room of the Commission on July 24, 1974, at 2 p.m. for the purpose of determining the order of presentation of intervenors cases, respectively.

8. This order is subject to amendment or modification upon proper application by any of the parties, or upon the Commission's own motion, which amendment or modifications, if any, shall be set forth by further order of the Commission.

This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado, this
19th day of July, 1974.

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