

(Decision No. 87720)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE PETITION OF)	
CENTRAL TELEPHONE & UTILITIES	)	APPLICATION NO. 28700-Securities
CORPORATION, A CORPORATION, FOR)	
AUTHORITY TO ISSUE 927,760 (SUB-)	
JECT TO ANTI-DILUTION PROVISIONS))	
SHARES OF ITS COMMON STOCK.)	

November 12, 1975

Appearances: Harry S. Petersen, Esq.,
Pueblo, Colorado, and
Melvin A. Hardies, Esq.,
Chicago, Illinois,
for Applicant.

PROCEDURE AND RECORD

BY THE COMMISSION:

Central Telephone & Utilities Corporation, hereinafter referred to as Applicant, filed Application No. 28700-Securities with this Commission on October 14, 1975, seeking authority to issue 927,760 shares (subject to anti-dilution provisions) of its common stock, par value \$2.50 per share, all of said shares to be issued and exchanged for all of the outstanding shares of Mid-Texas Communications Systems, Inc., a Texas corporation.

The instant application was set for hearing after due and proper notice to all interested persons, firms, or corporations, in compliance with the statutes of the State of Colorado and the rules and regulations of this Commission, at 9 a.m., Wednesday, November 5, 1975, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was then and there heard by Hearing Examiner Harry A. Galligan, Jr., to whom the matter was assigned pursuant to law. At the conclusion of the hearing, the matter was taken under advisement.

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

Applicant's exhibits identified as 1 through, and including 5 were offered and admitted into evidence, and testimony was taken.

FINDINGS OF FACT

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

1. Applicant, Central Telephone & Utilities Corporation, is a public utility as defined in Section 40-1-103, CRS 1973.

2. Applicant is a Kansas corporation qualified as a foreign corporation to do business in Colorado, and its restated Articles of Incorporation and all amendments to date have been filed by Applicant with this Commission. The Colorado address for Applicant is 115 West Second Street, Pueblo, Colorado 81003. Applicant's principal offices are at 1201 "N" Street, Lincoln, Nebraska 68501.

3. Applicant is engaged, among other things, in the generation and distribution of electric energy in the counties of Pueblo, Fremont, Teller, Custer, Otero, Crowley, and El Paso, all in Colorado and in addition owns and operates other utility properties in Kansas, Nebraska, and South Dakota. Applicant is the parent corporation of Central Telephone Company, a Delaware corporation, which provides telephone service in certain areas in Iowa, Minnesota, Nevada, and North Carolina. Central Telephone Company in turn is the parent of Central Telephone Company of Florida, a Florida corporation providing telephone service in certain areas in Florida; Central Telephone Company of Illinois and Staunton Telephone Company, Illinois corporations providing telephone service in certain areas in Illinois; Central Telephone Company of Missouri, a Delaware corporation providing telephone service in certain areas in Missouri; and Central Telephone Company of Virginia, a Virginia corporation providing telephone service in certain areas in Virginia.

4. This Commission has jurisdiction over the Applicant and the subject matter of the aforesaid application.

5. The Commission is fully advised in the premises.

6. Applicant proposes, pursuant to appropriate resolutions of its Board of Directors, Exhibit 3 herein, to acquire all of the issued and outstanding shares of Mid-Texas Communications Systems, Inc., a Texas corporation hereinafter referred to as "Mid-Texas," which is a holding company whose subsidiaries serve approximately 80,000 telephones in certain areas in Texas. Applicant and Mid-Texas have entered into an agreement, Exhibit 1 herein, providing for the exchange of nine-tenths (0.9) of a share of common stock of Applicant for each share of common stock of Mid-Texas. At June 30, 1975, Mid-Texas had outstanding (i) 848,719 shares, (ii) warrants to purchase 117,184 shares at \$12.69 each, and (iii) options to purchase 26,250 shares at \$8.57 per share and 38,694 shares at \$5.24 per share, for an aggregate of 1,030,847 shares which, based upon the aforementioned exchange ratio, would, subject to anti-dilution provisions, entitle the Mid-Texas holders to 927,760 common shares of Applicant. Subject to approval of the stockholders of Mid-Texas, and to certain other conditions, it is expected that the acquisition of Mid-Texas by Applicant will be accomplished either by a reverse triangular merger between Mid-Texas and CTU Co., a new subsidiary of Applicant created for the purpose, or by a merger of Mid-Texas into Applicant. The ultimate choice of the exact method to be followed is dependent upon Federal tax considerations, it being the intent of the parties that the transaction satisfy the requirements of Section 368(a) of the Internal Revenue Code for a tax-free reorganization.

7. The proposed transaction requires registration of the CTU shares issuable with the Securities and Exchange Commission under a Form S-14 Registration Statement, Exhibit 2 herein, which has been incorporated in the Proxy Statement submitted to the holders of Mid-Texas shares prior to their meeting to consider the proposed exchange.

8. If at least 90% of the shares of Mid-Texas are acquired solely for common stock of Applicant, Applicant will account for the transaction on its books as a "pooling of interests," under which the investment in Mid-Texas would be recorded at the underlying book value of the Mid-Texas shares received. Such book value at June 30, 1975 was \$15.92 per share; since it is in excess of the par amount of the common shares of the Applicant to be issued therefor, such common shares of Applicant, when issued, would be fully paid and nonassessable. If Applicant acquires less than 90% of the Mid-Texas shares solely in exchange for its common stock, Applicant will account for the transaction as a "purchase," under which the investment in Mid-Texas would be recorded at the market value (determined as of August 29, 1975, the day the proposed exchange was announced to the public) of the Applicant's shares issued in exchange for the Mid-Texas shares.

At June 30, 1975, the capital structure of CTU and its subsidiaries was as follows:

Common Stock	33.5%
Preferred Stock	7.7%
Long-term Debt	56.7%
Short-term Debt	2.1%

Assuming that the transaction is recorded as a pooling of interests, the pro forma capital structure at June 30, 1975, was as follows:

Common Stock	32.1%
Preferred Stock	7.1%
Long-term Debt	58.8%
Short-term Debt	2.0%

If the transaction is recorded as a purchase, the pro forma capital structure at June 30, 1975, was as follows:

Common Stock	32.0%
Preferred Stock	7.1%
Long-term Debt	58.8%
Short-term Debt	2.1%

9. Applicant will not pay any finder's fee, commission, or other remuneration to any broker or agent in connection with the proposed exchange of stock, but will incur reasonable expenses in connection with the issuance of the stock which costs are estimated to be not more than \$300,000.

10. The proposed issuance by Applicant of 927,760 shares (subject to anti-dilution provisions) of common stock, par value \$2.50 per share, is reasonably required and necessary for Applicant's proper corporate financing and operation.

11. The aforesaid proposed securities issuance by Applicant is not inconsistent with the public interest, and the purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973, and therefore should be authorized and approved.

12. Since section 40-1-104, CRS 1973, requires that securities applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearing Examiner be omitted, and that this Decision should be the initial decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

The authorization sought in the aforesaid application should be granted and the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Applicant Central Telephone & Utilities Corporation be, and hereby is, authorized to issue up to a maximum of 927,760 shares (subject to anti-dilution provisions) of additional common stock, par value \$2.50 per share, all of said shares to be issued in exchange for all of the issued and outstanding shares of Mid-Texas Communications Systems, Inc., a Texas corporation, or in lieu of shares of Mid-Texas Communications Systems, Inc. otherwise issuable.

2. The securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification.

3. Within ninety (90) days after the initial issuance of shares of Applicant authorized hereby to be issued, Applicant shall file with the Commission a verified report showing the issuance of such securities, receipt of the consideration therefor, the costs and expenses incurred by Applicant incident to such transaction, and the journal entries reflecting the transaction on the books of Applicant.

4. Nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with regard to, said securities on the part of the State of Colorado.

5. The Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper and desirable.

6. The authority herein granted shall be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

P. U. C.

7. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in section 40-6-109(6), CRS 1973, as amended.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF) ITALIAN COURIERS OF AMERICA, INC.,) 2149 SOUTH CLERMONT, DENVER, COLO-) RADO, FOR A CERTIFICATE OF PUBLIC) CONVENIENCE AND NECESSITY TO OPERATE) AS A COMMON CARRIER BY MOTOR VEHICLE) FOR HIRE.)	APPLICATION NO. 28390 ORDER OF JAMES K. TARPEY, EXAMINER, CONTINUING HEARING
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- - - - -
November 7, 1975
- - - - -

Appearances: Charles M. Williams, Esq.,
Kimball & Williams, Denver,
Colorado, for Applicant;
James M. Lyons, Esq., Denver,
Colorado, for Wells Fargo
Armored Service Corp.,
Protestant;
Arthur R. Hauver, Esq., Jones,
Meiklejohn, Kehl & Lyons,
Denver, Colorado, for Purolator
Security, Inc.; Purolator Courier
Corp.; and Colorado Armored
Service Co., Protestants.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-titled application was called for hearing on Wednesday, November 5, 1975, in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

As a preliminary matter, counsel for Applicant moved for a continuance of the hearing on the basis that Applicant's principal witness who was scheduled to testify in support of the application was unavailable due to urgent out-of-town business. Counsel for Protestants had no objection to the granting of the motion. For good cause shown, this Examiner continued the hearing on this application to Monday, January 19, 1976, in the Hearing Room of the Commission in Denver. The additional date of Tuesday, January 20, 1976, is reserved for hearing purposes in the event said date is necessary.

O R D E R


THE EXAMINER ORDERS THAT:

1. Application No. 28390 be, and hereby is, continued for hearing on Monday, January 19, 1976, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. The additional date of Tuesday, January 20, 1976, is reserved for hearing purposes in the event said date is necessary.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
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(Decision No. 87722)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS-WESTERN EXPRESS, LTD., 48)
EAST 56TH AVENUE, DENVER, COLORADO,)
FOR EMERGENCY TEMPORARY APPROVAL)
TO CONDUCT OPERATIONS UNDER CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 692 AND 692-I,)
PENDING DETERMINATION OF THE)
APPLICATION TO ACQUIRE SAID)
CERTIFICATE.)

APPLICATION NO. 28753-Transfer-ETA
ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

November 12, 1975

The above-entitled application under CRS 1973, 40-6-120, 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.

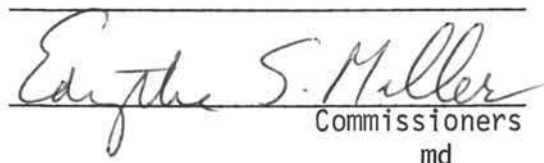
IT IS FURTHER ORDERED, That the Transferor(s) shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee(s) may commence operations.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS-WESTERN EXPRESS, LTD., 48)
EAST 56TH AVENUE, DENVER, COLORADO,)
FOR EMERGENCY TEMPORARY APPROVAL)
TO CONDUCT OPERATIONS UNDER A POR-)
TION OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
2693 AND 2693-I, PENDING DETERMINA-)
TION OF THE APPLICATION TO ACQUIRE)
A PORTION OF SAID CERTIFICATE.)

APPLICATION NO. 28754-Transfer
Portion-ETA

ORDER GRANTING EMERGENCY TEMPORARY
APPROVAL

November 12, 1975

The above-entitled application under CRS 1973, 40-6-120, 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.

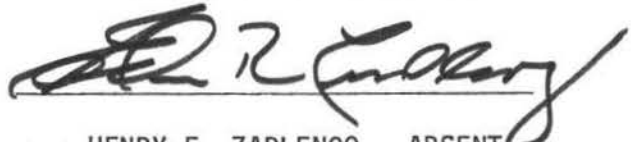
IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary approval.

IT IS ORDERED, That the Transferee 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 appendix attached hereto.

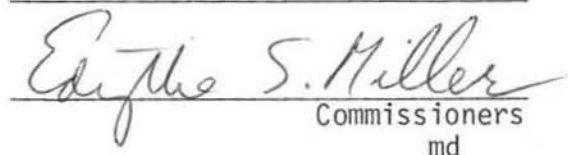
IT IS FURTHER ORDERED, That the Transferor shall continue operations until all requirements have been met and notice in writing has been received from the Commission that compliance has been effected and Transferee may commence operations.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 87723
November 12, 1975

Trans-Western Express, Ltd.

Transportation -- on schedule -- of

(1) General commodities

Between Denver and a five (5) mile radius thereof, and Roggen, Colorado, over the following described routes:

- (a) From Denver over U. S. Highway No. 85 to Fort Lupton; thence over Colorado Highway No. 52 to its junction with U. S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen, or over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north over unnumbered road to Roggen;
- (b) Over Interstate Highway No. 70 (I-70), or U. S. Highway No. 36, and over Colorado Highway No. 36 to its junction with Colorado Highway No. 79; thence over Colorado Highway No. 79 to its junction with Colorado Highway No. 52; thence over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north on unnumbered road to Roggen;
- (c) Over U. S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen;

Serving all intermediate points and those off-route points located in the following described area:

Commencing at the junction of the City and County of Denver north boundary (52nd Avenue) and Interstate Highway No. 25 (I-25); thence north on Interstate Highway No. 25 (I-25) to its intersection with 56th Avenue; thence east on 56th Avenue to its intersection with York Street; thence north on York Street, extended, to its intersection with Colorado Highway No. 52; thence east on Colorado Highway No. 52 to its intersection with U. S. Highway No. 85; thence north on U. S. Highway No. 85 to its junction with unnumbered highway approximately five (5) miles north of Fort Lupton; thence east on said unnumbered highway to its junction (if extended) with U. S. Highway No. 6; thence east on U. S. Highway No. 6 to Roggen; thence south on unnumbered highway to Colorado Highway No. 52; thence on Colorado Highway No. 52 to its junction with Colorado Highway No. 79; thence south on Colorado Highway No. 79 (if extended) to Interstate Highway No. 70 (I-70); thence west on Interstate Highway No. 70 (I-70) to its junction with the City and County of Denver boundary; thence along the north boundary of the City and County of Denver, Colorado, to the point of beginning.

Appendix
Decision No. 87723
November 12, 1975

Trans-Western Express, Ltd.

(Continued from page 2)

RESTRICTION: Item No. (1) is restricted against serving the following points:

- (a) Thornton, Colorado, and Northglenn, Colorado.
 - (b) Points located on Interstate Highway No. 70 (I-70) or points within five (5) miles of Interstate Highway No. 70 (I-70) which lie beyond a five (5) mile radius of the City and County of Denver, Colorado.
- (2) Service is authorized to be combined between all points described in Item No. (1) above so as to permit the rendition of transportation service to and from any and all points authorized to be served in said Item.

(Decision No. 87724)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF MOTOR VEHICLE	}	RECOMMENDED DECISION OF ROBERT L. PYLE, EXAMINER
CARRIERS LISTED ON "APPENDIX A"		
HERETO,		
Respondents.	}	

November 7, 1975

Appearances: Jim Miller, La Porte, Colorado,
Respondent, 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 October 14, 1975. The matters were duly called for hearing pursuant to such notice on Monday, October 27, 1975, at 10 a.m. in the Commission Hearing Room, Columbine Building, 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 on "Appendix A" hereto appeared at the hearing, except as noted in the "Appearances" above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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, with the exception of the above-mentioned Respondent, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the foregoing 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 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

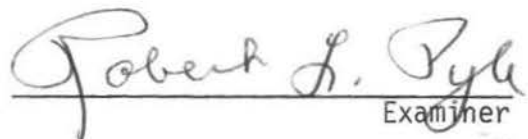
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973;

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Roy G. Hayes, dba Crowley County Transportation 530 E. 4th St., Box 1268 Pueblo, Co. 81002	369&I	3012-Ins.
Miller Bros. Inc. Box 1228 Greeley, Co. 80630	1321&I 2251	3014-Ins. 3017-Ins.
Elze Burcham 2020 West E St. North Platte, Neb. 69101	1502-I	3015-Ins.
Earl Holbrook 900 Walnut Yankton, So. Dakota 57078	2750-I	3019-Ins.
Foy McMahan Drawer L Lometa, Texas 76853	2910-I	3020-Ins.
D. P. Bonham Transfer, Inc. Box 1250 Bartlesville, Okla. 74003	3470-I	3022-Ins.
Vaughn Blackburn, dba Blackburn Trucking Rt. 2, Box 227 Scottsbluff, Neb. 69361	4853-I	3024-Ins.
Henry Lee Yates 943 E. Las Animas Colo. Springs, Co. 80903	5336	3026-Ins.
Fernando Acevedo, dba Fernando Acevedo Produce 308 Terminal Market San Antonio, Texas 78206	5962-I	3027-Ins.
Western Cattle Transport, Inc. 939 W. 6500 South Woods Cross, Utah 84087	5989-I	3028-Ins.
R. P. Odom, dba R. P. Odom Trucking Co. 1008 N. St. Joseph St., Box 579 Stanton, Texas 79782	8312-I	3034-Ins.
Gale B. Alexander 120 S. Ward St. Ottumwa, Iowa 52501	8799-I	3035-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Charles A. Jackson & Donald McGaughey, dba Jackson Produce Co. 103 Phillip St. Frankfort, Kentucky 40601	8827-I	3036-Ins.
Wayne & Dorene Cunningham Scottsbluff, Neb. 69361	8887-I	3037-Ins.
Eugene H. Johnson Box 424 Holdredge, Neb. 68949	9007-I	3038-Ins.
C. E. McKinney, dba United Ash & Trash Box 550 Fairplay, Co. 80440	9035	3039-Ins.
Imperial Carpet Mills, Inc. P. O. Box 687 Cartersville, Georgia 30120	9065-I	3040-Ins.
Alex Abeyta Box 524 Saguache, Co. 81149	9166-I	3042-Ins.
Keith L. Ratcliffe R. R. 4, Box 121 Greeley, Co. 80631	9181-I	3043-Ins.
Jack H. and/or Jimmie H. Puckett, dba Range 90 West Box 50A Meeker, Co. 81641	9319-I	3044-Ins.
Jerry Judkins 203 52nd Lubbock, Texas 79404	9400-I	3045-Ins.
Moore Meats, Inc. 2216 N. W. 36th St. Miami, Florida 33142	9479-I	3046-Ins.
Robert L. Allen, dba R. Allen Transport P. O. Box 117 Pocomoke City, Maryland 21851	9569-I	3047-Ins.
James C. Roll, dba Big Horn Enterprises 810 W. Second St. Salida, Co. 81201	9653	3049-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Bernhard J. Horstmeyer 6831 Parkview Lane Omaha, Neb. 68132	9710-I	3050-Ins.
William L. Petesch Box 381 Yuma, Co. 80759	9719-I	3051-Ins.
Burkett Trucking Co., Inc. 2508 E. Roosevelt Rd., Box 4173 Little Rock, Arkansas 72206	9853-I	3052-Ins.
Don & C. A. Wilken Box 505 Hillsboro, New Mexico 88042	10017-I	3055-Ins.
Stehman Dist. Co. 517 12th St. Greeley, Co. 80631	10050-I	3056-Ins.
Gene T. Lincoln, dba Bonanza Soil Products 725 Calle Entrada Fountain, Co. 80817	10138-I	3057-Ins.
Mountain Automotive Warehouse Distributing, Inc., dba MAWD 927 Inca St. Denver, Co. 80217	10202-I	3058-Ins.
Chef Francisco, Inc. 1400 Cross St. Eugene, Oregon 97402	10253-I	3059-Ins.
Charles Sumrall, dba Transport Refrigeration Service 4928 Jefferson Highway Jefferson, Louisiana 70181	10279-I	3060-Ins.
Miller Bros., Inc. Box 1228 Greeley, Co. 80630	A-445 B-1957	3061-Ins. 3062-Ins.
Jesse D. Stump, dba Stump Trucking 1037 Walnut St. Louisville, Co. 80027	B-7624	3066-Ins.
Daniel Dale Ogilvie 1607 Circle Drive Louisville, Co. 80027	B-7766	3067-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Walter E. & Robertean L. Miller, dba W. E. Miller & Sons P. O. Box 259 Elizabeth, Co. 80107	B-7778	3068-Ins.
Baker Associates, Inc. 2190 W. Dartmouth Englewood, Co. 80110	B-8131	3069-Ins.
Buelah & David McNelly, dba B & D Trucking Box 1074 Pagosa Springs, Co. 81147	B-8202	3070-Ins.
B. H. Dennis 1107 Aster St. Amarillo, Texas 79107	M-308	3073-Ins.
William Lee, Larry, Billy, and Ronnie Halsey, dba Halsey & Sons 3109 W. County Rd. #14 Loveland, Co. 80537	M-778	3075-Ins.
Charlie Bassett, dba Bassett's Used Furniture 409 North Main Rocky Ford, Co. 81067	M-918	3076-Ins.
Colorado Metal Products Corp. 450 Kalamath St. Denver, Co. 80204	M-1127	3077-Ins.
John Mushalla 2575 Hout St. Lakewood, Co. 80215	M-1621	3078-Ins.
Manuel P. Alvarado 3109 McCormick Pueblo, Co. 81005	M-1991	3080-Ins.
Rich Brothers Co. Box 514 Sioux Falls, South Dakota 57101	M-2456	3083-Ins.
Jack D. & Roy E. Camp, dba C & C Distributors & Warehouseurs 1176 Yampa Ave. Craig, Co. 81625	M-2569	3084-Ins.
Raymond McKenzie Star Route 2, Box 2 Wiggins, Co. 80645	M-2719	3085-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Columbine Oil Co., Inc. 4415 Brighton Blvd. Denver, Co. 80216	M-2954	3086-Ins.
Larry Edward Thieman R.F.D. 1 Stoutland, Mo. 65567	M-3053	3087-Ins.
Landy of Wisconsin 2411 3rd St. Eau Claire, Wisconsin 54701	M-3101	3088-Ins.
Jake Lapin, dba Watkins Furniture Co. 301 W. Santa Fe Pueblo, Co. 81000	M-3121	3090-Ins.
Arthur H. Suppi 2784 S. Zurich Ct. Denver, Co. 80219	M-3419	3091-Ins.
M. G. Hicks, dba M. G. Hicks Sawmill Sargents, Colo. 81248	M-3549	3092-Ins.
Richard G. Crabtree 3703 Lincoln Box 223 Wellington, Co. 80549	M-4393	3096-Ins.
Western Filter Co. 4545 E. 60th Ave. Denver, Co. 80216	M-5141	3100-Ins.
Roy G. Finley, dba Columbine Trailer Sales Route 3, Box 107M Montrose, Co. 81401	M-5579	3101-Ins.
Leland Veryl Tousley 3781 S. Huron Englewood, Co. 80110	M-5650	3102-Ins.
Mary Ann Beaty, dba Wheatridge Catering 1140 El Paso Blvd. Denver, Co. 80221	M-5740	3103-Ins.
Cathy & Elizabeth Gaggini, dba Eats 2998 F Road Grand Junction, Co. 81501	M-5998	3105-Ins.
Arthur Millard Box 427 Dolores, Co. 81323	M-6381	3106-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Gene T. Lincoln, dba Bonanza Soil Products 1401 E. Jackson St. Phoenix, Arizona 85034	M-7108	3109-Ins.
McAfee Warehouse, Inc. Box 657 Lewis, Co. 81327	M-7353	3110-Ins.
Bookcliff Homes, Inc. 2620 Highway 6 & 50 Grand Junction, Co. 81501	M-7404	3111-Ins.
Edward J. & Pearl O'Gorman Ed's Mowing Service 1034 20th St. S. W. Loveland, Co. 80537	M-7454	3112-Ins.
Wayne & Dorene Cunningham Rt. 2 Scottsbluff, Neb. 69361	M-7539	3113-Ins.
Mountain Builders, Inc., dba Mountain Home Sales Box 134 Vail, Co. 81657	M-7777	3115-Ins.
Otto & Paul Zerbe, dba Zerbe Brothers Lustre, Montana 59225	M-8171	3117-Ins.
Richard E. Beres Rt. 1, Box 123 A Alamosa, Co. 81101	M-8185	3118-Ins.
Champton Home Builders Box 10 Berthoud, Co. 80513	M-8296	3120-Ins.
Robert M. Kinnaman, dba Mesa Equipment Co. Box 7423 Colo. Springs, Co. 80933	M-8343	3121-Ins.
William L. Petesch Box 381 2nd & Elm, Lot 25D Yuma, Co. 80759	M-8641	3122-Ins.
Moore Meats, Inc. 2216 N.W. 36th St. Miami, Florida 33142	M-9047	3124-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Victory Gas & Oil Co. 2984 Huron Denver, Co. 80202	M-9324	3125-Ins.
Flying Diamond Enterprises, Inc. 3691 Parfet Wheatridge, Co. 80033	M-10007	3128-Ins.
Mike F. Marino, dba Mike's Produce 5900 W. Alameda Ave. Lakewood, Co. 80226	M-10750	3129-Ins.
Falcon Coach Company, Inc. West Port Addition Great Bend, Kansas 67530	M-10764	3130-Ins.
Charles F. Haitz 2419 N. Nevada Colo. Springs, Co. 80909	M-10912	3131-Ins.
James Dee Larrabee and Ronald A. Reppenhagen, dba Rocky Mountain Firewood 620 North Iowa Gunnison, Co. 81230	M-12216	3132-Ins.
Daniell Dale Ogilvie, dba Ogilvie Trucking 1607 Circle Drive Louisville, Co. 80027	M-12222	3133-Ins.
Kenneth N. Martens, dba Great Western Builders 1300 Quentin St. Aurora, Co. 80011	M-12469	3134-Ins.
W. R. Whipple, dba Blanco Wholesale Distributors 801 Maddox Ave. Aztec, New Mexico 87410	M-12554	3135-Ins.
Evans Turkey and Milling Enterprises, Inc. Star Route Wiley, Co. 81092	M-12603	3136-Ins.
Meredith Ready Mix 229 Main St. Ordway, Co. 81063	M-12813	3138-Ins.
Mountain Automotive Warehouse Distributing, Inc., dba M.A.W.D. P. O. Box 5885 Denver, Co. 80217	M-12883	3139-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
H. Eugene Johnson Box 424 Holdrege, Neb. 68949	M-13065	3141-Ins.
Francis Dillie, Jr. 3153 W. Kentucky Denver, Co. 80219	M-13157	3142-Ins.
Harold L. Foster Box 204 Pagosa Springs, Co. 81147	M-13405	3143-Ins.
Clovis D. Wommack, dba Morgan Dairy 310 W. Platte Ft. Morgan, Co. 80701	M-13459	3144-Ins.
Charles M. & William J. Staley, dba Bill's Piano & Organ 2921 Newton St. Denver, Co. 80211	M-13482	3145-Ins.
Sergio Nanez, dba National Industrial Services 706 Polaris Pl. Thornton, Co. 80221	M-13544	3146-Ins.
Proko Co., Inc. 1910 Wall St. Dallas, Texas 75215	M-14229	3147-Ins.
Denver Boneless Beef Co., Inc. 2001 E. 58th Ave. Denver, Co. 80216	M-14854	3150-Ins.
Lynn Deines, dba Lynn Deines Chemical Co. 219 No. 7th St. Garden City, Kansas 67846	M-14911	3151-Ins.
Maytag Rocky Mountain Co. 3525 Stone Ave. Colo. Springs, Co. 80907	M-15146	3152-Ins.
Leroy Kleinholz 421 Tincup Dr. Gunnison, Co. 81230	M-15527	3153-Ins.
James E. White Rt. 1, Box 63 La Junta, Co. 81050	M-15954	3154-Ins.

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

Appendix A

<u>NAMES AND ADDRESSES</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Matt Karcich, dba Karcich Towing Service 5606 Carr St. Arvada, Co. 80002	T-97	3155-Ins.
Robert P. Curlee, dba Coal Creek 66 Route 2, Box 611 Golden, Co. 80401	T-404	3156-Ins.
Archie Crouse, dba Crouse Service Station 440 W. 7th Wray, Co. 80758	T-548	3157-Ins.
Michael R. Cox, dba Elbert Transfer Towing 6020 East Galley Rd. Colo. Springs, Co. 80915	T-1015	3160-Ins.

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

(Decision No. 87725)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)
OF RESPONDENT, SOUTH PARK)
MOTOR LINES, INC., 1420 38TH) CASE NO. 5629
STREET, DENVER, COLORADO,)
UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC)
NO. 1026 AND PUC NO. 1026-I.)

- - - - -
November 12, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 87555, dated September 30, 1975, the Commission instituted Case No. 5629 which case is a show-cause matter directed to the C.O.D. practices of Respondent, South Park Motor Lines, Inc. Hearing with respect to the within matter is presently set for December 4, 1975.

On November 4, 1975, Respondent filed a "Petition for Order Terminating Proceeding" wherein, in essence, Respondent alleges that it has already taken action to correct the situation regarding late payment of C.O.D. accounts which are involved in the show-cause order and that the situation which gave rise to the show-cause order has been remedied.

The Commission states and finds that said Petition sets forth sufficient grounds for the granting thereof and that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Petition for Order Terminating Proceeding" filed on November 4, 1975, by Respondent, South Park Motor Lines, Inc., be, and the same hereby is, granted.
2. The hearing in the within matter presently set for 10 a.m., December 4, 1975, in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado, be, and the same hereby is, vacated.
3. Case No. 5629 be, and the same hereby is, closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

ds

(Decision No. 87726)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

MYRA W. MILLER(M. W. Miller),
Complainant,
vs.
MOUNTAIN BELL,
Respondent.

)
)
)
)
)
)

CASE NO. 5618

COMMISSION ORDER DENYING EXCEPTIONS
TO RECOMMENDED DECISION NO. 87637

- - - - -
November 12, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 16, 1975, Hearing Examiner Thomas M. McCaffrey entered his Recommended Decision No. 87637 in the above-captioned matter.

On November 4, 1975, Complainant, Myra W. Miller (M. W. Miller), filed with the Commission an "Exception" to said Recommended Decision No. 87637. Such "Exception" attacked certain of the findings of fact made by the Hearing Examiner. Complainant did not file a transcript. Section 40-6-113, CRS 1973, reads as follows:

"It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provision, it must be presumed that the basic findings of fact of the Hearing Examiner are complete and accurate.

The Commission has now reconsidered the matter and finds that the "Exception" filed herein by Complainant, Myra W. Miller (M. W. Miller), should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 87637 should be adopted as its own, and concludes that the following Order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The "Exception" filed herein by Complainant be, and the same hereby is, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Thomas M. McCaffrey in Recommended Decision No. 87637 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 87637 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 87727)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

INCREASED RATES AND CHARGES)
OF X-310-A, APPLICABLE ON)
SUGAR BEETS IN COLORADO, VIA)
CHICAGO, ROCK ISLAND & PACIFIC)
RAILROAD.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 988

- - - - -
November 12, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 87462, dated September 9, 1975, the Commission entered upon a hearing concerning the lawfulness of a filing by the Chicago, Rock Island & Pacific Railroad (hereinafter "Rock Island" or "Respondent") tariff on sugar beets, intrastate Colorado, published in Item No. 1.07 of Supplement No. 14 to Colorado-Utah-Wyoming Tariff No. 12-D, by virtue of Supplement No. K-24, and instituted Investigation and Suspension Docket No. 988 and set the same for hearing on November 21, 1975. Said Order further provided, inter alia, that at least fifteen (15) days prior to the hearing date Respondent was ordered to provide the Secretary of the Commission with copies of any and all exhibits which it intends to introduce into evidence in support of its case, together with a list of its witnesses and detailed summary of its direct testimony.

On November 4, 1975, William M. Gibbons, Trustee of the property of Rock Island, Debtor, filed a "Petition for 90-Day Extension for Filing Exhibits and Summary of Evidence". He requests that he be given until February 4, 1976, to comply with Ordering paragraph 7. of Decision No. 87462.

The Commission states and finds that proper grounds have been shown for the granting of said Petition.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The hearing presently set in the within matter for November 21, 1975, be, and the same hereby is, vacated and reset as follows:

DATE: February 19, 1976
TIME: 10:00 AM
PLACE: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

2. On or before February 4, 1976, 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, together with a list of its witnesses and a detailed summary of their direct testimony.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 87728)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
CITY WIDE RUBBISH REMOVAL, INC.,
DOING BUSINESS AS "SUPREME DISPOSAL
SERVICE, INC.," 2585 SOUTH CHERRY
STREET, DENVER, COLORADO, FOR
TEMPORARY APPROVAL TO CONDUCT
OPERATIONS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 3580, PENDING DETERMINATION
OF THE APPLICATION TO ACQUIRE SAID
CERTIFICATE.

APPLICATION NO. 28687-Transfer-TA

IN THE MATTER OF THE APPLICATION OF
CITY WIDE RUBBISH REMOVAL, INC.,
DOING BUSINESS AS "SUPREME DISPOSAL
SERVICE, INC.," 2585 SOUTH CHERRY
STREET, DENVER, COLORADO, FOR
TEMPORARY APPROVAL TO CONDUCT
OPERATIONS UNDER CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY
PUC NO. 5362, PENDING DETERMINATION
OF THE APPLICATION TO ACQUIRE SAID
CERTIFICATE.

APPLICATION NO. 28688-Transfer-TA

ORDER OF THE COMMISSION DENYING
PETITION FOR REHEARING, REARGUMENT
OR RECONSIDERATION

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1975, by Decision No. 87686, the Commission granted temporary approval to City Wide Rubbish Removal, Inc., doing business as "Supreme Disposal Service, Inc.," (hereinafter "City Wide") to institute operations under Certificate of Public Convenience and Necessity PUC No. 3580 for a period of 165 days, effective as of October 30, 1975. Also on October 30, 1975, by Decision No. 87687, the Commission granted temporary approval to City Wide Rubbish Removal, Inc., doing business as "Supreme Disposal Service, Inc.," to institute operations under Certificate of Public Convenience and Necessity PUC No. 5362 for a period of 165 days, effective as of October 30, 1975.

On November 4, 1975, Colorado Disposal, Inc., filed a "Petition of Colorado Disposal, Inc., for Rehearing, Reargument, or Reconsideration of the Above-Captioned Decisions" (referring to Decisions No. 87686 and No. 87687). In essence, the Petition states that the foregoing decisions of the Commission have granted temporary authorities to Transferee, who does not meet the "fitness" requirements of Rule 5(d) of the Rules and Regulations Governing Common Carriers by Motor Vehicle. Colorado Disposal states that the financial statement of the Transferee, City Wide, is in fact that of Mr. Howard Lenderink who is an applicant for authority to

acquire all right, title and interest in City Wide Rubbish Removal in Application No. 28701-Transfer, which application has not yet been determined. Colorado Disposal further states that Mr. Leonard A. Roy, Sr., the present record owner of City Wide Rubbish Removal, is in no way involved in an application for the temporary authorities involved herein. Thus, Colorado Disposal states that the proposed Transferee in Application No. 28701-Transfer (Mr. Howard Lenderink) is violating Rule 5(f) of the Rules and Regulations Governing Common Carriers by Motor Vehicle by operating City Wide without the approval of the Commission for his acquisition of City Wide having been approved.

Colorado Disposal alleges that it cannot be protected by illegal competition unless the Commission reconsiders Decisions No. 87686 and No. 87687 and withdraws the approval of these temporary authorities.

The Commission states and finds the foregoing Petition of Colorado Disposal does not set forth sufficient grounds for the granting thereof and that the same should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Petition filed on November 4, 1975, by Colorado Disposal, Inc., be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DOROTHY SIMMONS, SURVIVING SPOUSE)
OF CARL WADE SIMMONS, DOING BUSI-)
NESS AS "A & A HAULING SERVICE,")
2205 JAY STREET, DENVER, COLORADO,)
FOR AUTHORITY TO TEMPORARILY SUS-)
PEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3705 FOR A PERIOD OF SIX)
MONTHS.)

APPLICATION NO. 28667-Suspension

ORDER OF THE COMMISSION

November 12, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 pursuant to CRS 1973, 40-6-109 (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 suspension of Certificate of Public Convenience and Necessity PUC No. 3705 as hereinafter ordered;

WE FIND, That to grant the herein request for a six month period of suspension would be in the public interest.

An appropriate Order will be entered.

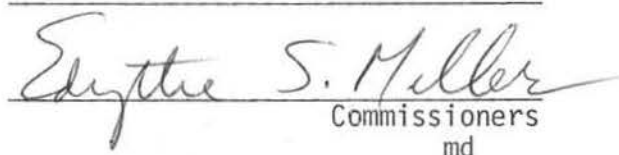
IT IS ORDERED, That suspension of the motor vehicle operations under the above-entitled authority, be, and the same hereby is, authorized by the Commission from November 12, 1975 to and including May 12, 1976.

IT IS FURTHER ORDERED, That unless prior to expiration of said suspension period, a request in writing for reinstatement thereof, be made with the Commission, insurance filed, and compliance with all rules and regulations of the Commission applicable thereto, be made, said Certificate of Public Convenience and Necessity PUC No. 3705, without further action by the Commission, shall be revoked without the right to reinstatement.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PHILIP L. SULLIVAN, DOING BUSINESS)
AS "CLOUD 9 TOURS," 125 NORTH MILL,)
BOX 344, ASPEN, COLORADO, FOR AUTH-)
ORITY TO TEMPORARILY SUSPEND OPERA-)
TIONS UNDER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
8576 FOR A PERIOD OF SIX MONTHS.)

APPLICATION NO. 28668-Suspension

ORDER OF THE COMMISSION

- - - - -
November 12, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 pursuant to CRS 1973, 40-6-109 (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 suspension of Certificate of Public Convenience and Necessity PUC No. 8576 as hereinafter ordered;

WE FIND, That to grant the herein request for a six month period of suspension would be in the public interest.

An appropriate Order will be entered.

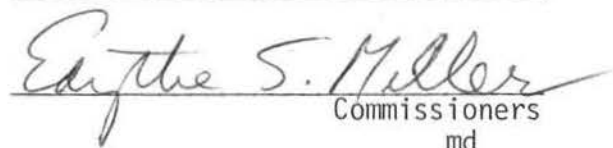
IT IS ORDERED, That suspension of the motor vehicle operations under the above-entitled authority, be, and the same hereby is, authorized by the Commission from November 12, 1975, to and including May 12, 1976.

IT IS FURTHER ORDERED, That unless prior to expiration of said suspension period, a request in writing for reinstatement thereof, be made with the Commission, insurance filed, and compliance with all rules and regulations of the Commission applicable thereto, be made, said Certificate of Public Convenience and Necessity PUC No. 8576, without further action by the Commission, shall be revoked without the right to reinstate.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28448-PP
WILLIAM M. GRAEFF, DOING BUSINESS AS)	
"GRAEFF RESOURCES," P.O. BOX 221,)	RECOMMENDED DECISION OF
ELIZABETH, COLORADO, FOR A CLASS "B")	ROBERT L. PYLE, EXAMINER
PERMIT TO OPERATE AS A CONTRACT)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	GRANTING APPLICATION

- - - - -
November 10, 1975
- - - - -

Appearances: Robert D. Gower, Esq., Denver,
Colorado, for Applicant;
Thomas J. Burke, Jr., Esq.,
Denver, Colorado, for R & I
Trucking, Inc.; Gaddy Truck
Service, Inc.; and K. E.
Scott, Protestants;
Edward C. Hastings, Esq., Denver,
Colorado, for Western Trans-
portation, Inc., Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with this Commission on May 22, 1975. Temporary authority was not requested or granted.

The Commission assigned Docket No. 28448-PP to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

After due and proper notice to all interested parties, the application was set for hearing on Friday, October 24, 1975, 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.

Protests were duly filed by the carriers noted in the Appearances. However, prior to the hearing, Applicant moved to strike the livestock portion of its application leaving sand and gravel, logs and poles, and farm products, whereupon all protestants withdrew. The amendment, being restrictive in nature and not changing the substance of the application, was accepted and the matter therefore proceeded as a noncontested application.

Exhibit No. 1 was tendered and admitted into evidence, and Applicant was allowed to file late-filed exhibits describing his equipment and affidavits from supporting shippers. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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, who operates out of the Town of Elizabeth, Colorado, in Elbert County, State of Colorado. Applicant presently holds no authority from this Commission.

2. By this application as originally filed, Applicant sought a Class "B" Permit for the

- "(1) Transportation of livestock from points in Elbert County, State of Colorado, to points in the following named counties: Elbert, Lincoln, El Paso, Morgan, Kit Carson, Prowers, Logan, Weld and Boulder, State of Colorado, on the one hand, and between points within said counties on the other hand.
- (2) Transportation of sand, gravel, road-surfacing material, dirt, stone, insulrock, 50 mile radius pits and supply points, construction jobs: Restricted against tank vehicles when transporting road-surfacing materials; also logs, poles, timber products, from forests to sawmills, radius of 75 miles of forests, rough lumber 75 mile radius to markets in State of Colorado, no town-to-town service, also transportation of farm products (excluding livestock, bulk milk, and dairy products) between points within Elbert, Lincoln, El Paso, Morgan, Kit Carson, Prowers, Logan Weld and Boulder Counties, State of Colorado."

3. The application and notice thereof is interpreted as being an application for a Class "B" Permit to operate as a contract carrier by motor vehicle for hire for the transportation of:

- (1) livestock, between all points in the counties of Elbert, Lincoln, El Paso, Morgan, Kit Carson, Prowers, Logan, Weld, and Boulder, State of Colorado;
- (2) the standard sand and gravel authority;
- (3) the standard logs and poles authority; and
- (4) farm products (excluding livestock, bulk milk, and dairy products), between all points in Elbert, Lincoln, El Paso, Morgan, Kit Carson, Prowers, Logan, Weld, and Boulder Counties, State of Colorado.

4. As indicated in the procedure and Record, Applicant withdrew item No. 1 above (the first portion) of his application; namely, that requesting authority to transport livestock, and the matter was heard as a nonprotested proceeding.

5. Applicant has a net worth of \$13,465 and three years of experience operating trucks, both of which are sufficient for the operation of this authority. Applicant will obtain and maintain insurance, has adequate knowledge of the rules and regulations; and, if this authority is granted, will abide by said rules and regulations.

6. Applicant has, as equipment, two (2) dump trucks, two (2) trailers, and one (1) Kenworth tractor as set forth in the late-filed exhibit, all of which are adequate and suitable for the operation of this permit.

7. There is a present and special need for this service, as substantiated by the five (5) affidavits of shippers filed by the Applicant; and, if this application is granted, Applicant intends to and will perform a specialized service in the area of the application fulfilling the special needs of his customers within the limits of his authority.

8. No common carrier is presently serving the area for the commodities requested; so the proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.

9. The granting of the application as hereinafter set forth will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The application should be granted as hereinafter set forth.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. William M. Graeff, doing business as "Graeff Resources," P. O. Box 221, Elizabeth, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within 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: 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 50 miles from the point of origin.

(5) Logs, poles, and timber products

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

(6) Rough lumber

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

RESTRICTION: Items No. (5) and (6) of this Permit are restricted as follows:

- (a) Against town-to-town service; and
- (b) Against rendering of any transportation service beyond a radius of 75 miles from the point of origin.

(7) Farm products

Between all points located within the Counties of Elbert, Lincoln, El Paso, Morgan, Kit Carson, Prowers, Logan, Weld, and Boulder, State of Colorado.

RESTRICTION: Item No. (7) of this Permit is restricted against the transportation of livestock, bulk milk and dairy products.

2. This Order shall be deemed to be, and be, a permit therefor.

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 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28454
JOHN SATRE, POST OFFICE BOX 9519,)	
ASPEN, COLORADO, FOR A CERTIFICATE)	RECOMMENDED DECISION OF
OF PUBLIC CONVENIENCE AND NECESSITY)	ROBERT L. PYLE, EXAMINER
TO OPERATE AS A COMMON CARRIER BY)	
MOTOR VEHICLE FOR HIRE.)	DISMISSING APPLICATION

November 10, 1975

Appearances: Arthur R. Hauver, Esq., Denver,
Colorado, for Aspen Airport
Transit Co., Inc., doing
business as "Quicksilver
Limousine Service", Protestant.

STATEMENT AND FINDINGS OF FACT

The above-entitled application was filed with the Commission on June 12, 1975. There was no request for temporary authority and none was granted.

The Commission assigned Docket No. 28454 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

A protest was duly filed by Aspen Airport Transit Co., Inc., doing business as "Quicksilver Limousine Service"; and after due and proper notice to all interested parties, the application was set for hearing on Tuesday, October 21, 1975, at 9 a.m. in the Small District Courtroom, Garfield County Courthouse, Glenwood Springs, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Applicant failed to appear at the hearing; and after a wait of almost one and one-half hours and no word having been received from Applicant, upon a motion of Protestant, the application was dismissed.

In this particular instance, the State of Colorado was put to the expense of sending an examiner and reporter to Glenwood Springs for the hearing, and Protestant was put to the stated expense of approximately \$400 to protest the application. It should be noted that not only the expenses of the examiner and reporter, but also the expenses of Protestant, must eventually be borne by the public; and in this particular instance, Applicant not only failed to appear and prosecute his application, but also failed to notify anyone or give any indication whatsoever, at any time, that he would not be present to prosecute his application.

There should be some statutory method of assessing costs against an applicant in instances such as this.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact and conclusions thereon, together with the recommended order or requirement.

CONCLUSIONS ON FINDINGS OF FACT

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

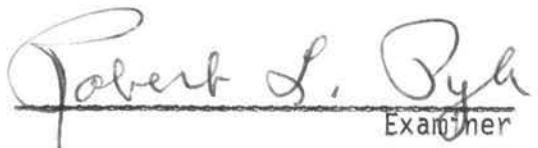
1. The application should be dismissed.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28454, being an application of John Satre, Post Office Box 9519, Aspen, Colorado, for a certificate of public convenience and necessity, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

vc

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28025-Extension
ALPINE TRANSPORTATION, INC., DILLON,)	
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	RECOMMENDED DECISION OF
CONVENIENCE AND NECESSITY AUTHORIZING	)	JAMES K. TARPEY, EXAMINER,
EXTENSION OF OPERATIONS UNDER PUC)	
NO. 9694.	)	GRANTING APPLICATION

November 17, 1975

Appearances: David R. Parker, Esq., and
John T. Wirth, Esq.,
Denver, Colorado, for
Applicant.

PROCEDURE AND RECORD

On December 11, 1974, Alpine Transportation, Inc. (hereinafter "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 services as specifically set forth in said application.

The Commission assigned Docket No. 28025-Extension to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

On December 20, 1974, the Denver-Boulder Bus Company and Colorado Motorway, Inc., filed a protest to the granting of said application and a request to intervene in the proceeding. On December 23, 1974, San Juan Tours, Inc., filed its Petition to Intervene in the above proceeding, and American Limousine Service, Inc., doing business as "AA Tours," filed a protest with regard to the above application. By Decision No. 86153, dated December 31, 1974, the Commission granted San Juan Tours, Inc., the right to intervene in this proceeding. On January 14, 1975, and January 15, 1975, Vail Limousine Service, Inc., and Airport Limousine Service, Inc., respectively, filed protests to said application.

On June 30, 1975, Applicant filed a letter with the Commission in which it submitted a proposed restrictive amendment to the application; and representatives of all protestants of record were advised of this proposed restrictive amendment. On June 27, 1975, the Denver-Boulder Bus Company and Colorado Motorway, Inc., withdrew their protest to the granting of the application; and on July 1, 1975, Vail Limousine Service, Inc., withdrew its protest contingent upon the acceptance by the Commission of the restrictive amendment. On July 2, 1975, and on July 9, 1975, American Limousine Service and Airport Limousine Service, Inc., respectively, withdrew their protests to the application conditioned upon the acceptance by the Commission of the proposed restrictive amendment.

Pursuant to law, the Commission assigned the application to James K. Tarpey, Examiner, for the purpose of conducting a hearing; and upon due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing to be held in the School Board Meeting Room, Administration Building, 2nd and Broadway, Eagle, Colorado, on October 15, 1975, commencing at 9 a.m. The hearing was held at said time and place.

As a preliminary matter to the hearing, Applicant moved to have admitted into evidence the previously referenced proposed restrictive amendment. The revised application, including the proposed restrictive amendment, was marked for identification as Exhibit No. 1, and was admitted into evidence. Said restrictive amendment, being clearly restrictive in nature, not affecting the substance of the application, and clarifying the nature of the authority sought by Applicant be, and hereby is, accepted. Exhibits 2 through 7 were the prepared testimony of Applicant's operating witness and five supporting witnesses. These exhibits were tendered and admitted into evidence at the hearing and the testimony of these witnesses was taken.

San Juan Tours, Inc., was the only protestant originally opposing this application who failed to withdraw its opposition to this application upon the submission and acceptance by the Commission of the proposed restrictive amendment. However, San Juan Tours, Inc., failed to enter an appearance at the hearing.

The Examiner, on his own motion, hereby takes official notice of the exhibits filed with the original application as contained in the official Commission file regarding Application No. 28025-Extension and of all other documents in said official file.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner James K. Tarpey 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 duly organized and existing under the laws of the State of Colorado, and the President of Applicant is Elmer Kernan. Medsa Company owns all of the outstanding stock of Applicant and Mr. Kernan is a Vice President of Medsa Company.

2. Applicant in this matter proposes to operate a public utility, as defined in Title 40, CRS 1973.

3. This Commission has jurisdiction over Applicant and the subject matter of this proceeding.

4. Applicant does hold previously granted authority from this Commission. Under this operating authority, Applicant is authorized to conduct scheduled bus service, charter bus service, and taxicab service within Summit County, Colorado. Those operations, to a significant extent, have been hindered by the unanticipated inauguration of comparable gratuitous bus service by the Keystone and Copper Mountain ski areas. The authority sought herein will permit Applicant to conduct a more financially sound operation oriented to all potential passengers, particularly within Summit County, wherein the aforementioned free bus service is limited to the times and days during which the sponsors' ski tows are in operation.

5. Applicant presently owns five 19-passenger buses and will lease additional equipment in the form of 46-passenger buses. As additional equipment becomes necessary to meet the demand for its service, Applicant will acquire such additional equipment as may be necessary by leasing it from equipment leasing companies. Medsa Company, Applicant's parent corporation, will supply the Applicant with as much additional capital as might be required to obtain such additional equipment. Applicant has experience in conducting a bus operation and has a policy of only hiring employees who have experience in the transportation industry. Applicant presently has access to and maintains facilities which are suitable for conducting a bus operation. The above qualifications of Applicant are ample and suitable for the operation of the authority applied for herein.

6. The chief corporate officers, as well as the employees of Applicant, 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. Furthermore, Applicant will make adequate provision for insurance.

7. Pursuant to the restrictive amendment, Applicant proposes to operate as a common carrier by motor vehicle for hire with regard to the following:

- (1) Transportation in charter bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies;

Between points in Denver, Jefferson, Douglas, Adams, Boulder, and Arapahoe Counties, Colorado, on the one hand, and, on the other, points in Eagle and Summit Counties, Colorado.

- (2) Transportation in charter bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies,

- (a) Between points in Summit County, Colorado, on the one hand, and, on the other, points in Eagle County, Colorado;

- (b) Between points in Eagle County, Colorado.

- (3) Transportation in scheduled bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies,

- (a) Between points in Summit County, Colorado, on the one hand, and, on the other, points in Eagle County, Colorado, and between points in Eagle County, Colorado, over the following described routes: U.S. Highway No. 6; that portion of Colorado Highway No. 9 lying between Breckenridge, Colorado, and the Summit County/Grand County, Colorado, boundary; that portion of Colorado Highway No. 91 lying between the Summit County/Lake County, Colorado, boundary and the junction of U.S. Highway No. 6 and Colorado Highway No. 91; that portion of U.S. Highway No. 24 lying between the Eagle County/Lake County, Colorado, boundary and the junction of U.S. Highway No. 6 and U.S. Highway No. 24; and that portion of Colorado Highway No. 131 lying between the Eagle County/Routt County, Colorado, boundary and the junction of Colorado Highway No. 131 and U.S. Highway No. 6, serving all intermediate points and all off-route points within 5 miles of either side of said highways.

RESTRICTIONS:

- (1) All service hereunder to be performed in vehicles having a passenger capacity of 19 passengers or more.
- (2) Restricted against service between the Eagle County Airport, on the one hand, and Vail, Colorado, on the other.

8. Applicant proposes to operate a charter bus service between the Denver Metropolitan Area (i.e., the six named counties) and points in Summit and Eagle Counties. There is presently a serious shortage of available charter bus service between the Denver Metropolitan Area and these two counties, especially during the peak ski season and on weekends during the regular ski season. This concern has been voiced by the operators of lodging facilities, ski resort areas and tour and travel agencies, all of whom are directly involved in promoting tourism within Summit and Eagle Counties. Existing charter bus carriers have been given the opportunity to provide the necessary service, but have failed to fully meet the demands. Alternative forms of available ground transportation have generally been found to be inadequate in meeting the needs of various vacationing groups desiring ground transportation to Summit and Eagle Counties. The lack of sufficient charter service has resulted in a serious loss of tourist business in these two counties and is having an adverse effect upon the tourism industry in Colorado. The availability of additional charter bus service would assist in alleviating environmental and highway congestion problems in this two-county area. Applicant also will offer a charter service during the period from mid-April through mid-November when the ski areas are closed and vacationers are engaged in summer recreational activities in the two-county area.

9. Applicant also proposes to operate a scheduled and a charter service which would allow it to provide both inter-county service between Summit and Eagle Counties and intra-county service in Eagle County. There are presently no existing passenger carriers who hold the necessary authority to provide such a service in this two-county area. This service is needed

so that vacationers without their own means of ground transportation are able to take better advantage of all the various recreational facilities located within both Eagle and Summit Counties. Such a service would make the tourist attractions in the two-county area more accessible and more readily available to all vacationers visiting the area.

10. Public convenience and necessity requires, and will require, the granting of the authority as hereinafter set forth.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicant should be granted as herein-after set forth.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Alpine Transportation, Inc., 201 Thompson Building, Dillon Shopping Center, P.O. Box 926, Dillon, Colorado 80435, be, and hereby is, authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 9694 as follows:

- (1) Transportation in charter bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies,

Between points in Denver, Jefferson, Douglas, Adams, Boulder, and Arapahoe Counties, Colorado, on the one hand, and, on the other, points in Eagle and Summit Counties, Colorado.

- (2) Transportation in charter bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies,

- (a) Between points in Summit County, Colorado, on the one hand, and, on the other, points in Eagle County, Colorado;

- (b) Between points in Eagle County, Colorado.

- (3) Transportation in scheduled bus service of passengers, their personal effects, baggage, ski equipment, accessories and supplies,

- (a) Between points in Summit County, Colorado, on the one hand, and, on the other, points in Eagle County, Colorado, and between points in Eagle County, Colorado, over the following described routes: U.S. Highway No. 6; that portion of Colorado Highway No. 9 lying between Breckenridge, Colorado, and the Summit County/Grand County, Colorado, boundary; that portion of Colorado Highway No. 91

lying between the Summit County/Lake County, Colorado, boundary and the junction of U.S. Highway No. 6 and Colorado Highway No. 91; that portion of U.S. Highway No. 24 lying between the Eagle County/Lake County, Colorado, boundary and the junction of U.S. Highway No. 6 and U.S. Highway No. 24; and that portion of Colorado Highway No. 131 lying between the Eagle County/Routt County, Colorado, boundary and the junction of Colorado Highway No. 131 and U.S. Highway No. 6, serving all intermediate points and all off-route points within 5 miles of either side of said highways.

RESTRICTIONS:

- (1) All service hereunder to be performed in vehicles having a passenger capacity of 19 passengers or more.
- (2) Restricted against service between the Eagle County Airport, on the one hand, and Vail, Colorado, on the other.

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

2. Alpine Transportation, Inc., shall file tariffs of rates, rules, and regulations and time and distance schedules as required by the rules and regulations of this Commission within twenty (20) days from the effective date of this Order.

3. Alpine Transportation, Inc., shall file within twenty (20) days from the effective date of this Order a Designation of Agent for service of notices, orders, and process.

4. Alpine Transportation, Inc., shall operate its carrier system in accordance with the Order of the Commission, except when prevented by an Act of God, the public enemy, or extreme conditions.

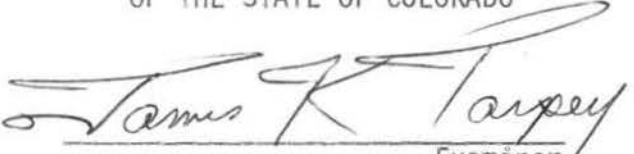

5. This Order is subject to compliance by Alpine Transportation, Inc., with all present and future laws and rules and regulations of the Commission.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner


BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28364
THE ATCHISON, TOPEKA AND SANTA FE)	
RAILWAY COMPANY, BURLINGTON NORTHERN,)	
INC., THE COLORADO AND SOUTHERN	)	RECOMMENDED DECISION OF
RAILWAY COMPANY, AND UNION PACIFIC	)	THOMAS M. McCaffrey,
RAILROAD COMPANY FOR AUTHORITY TO	)	EXAMINER
ABANDON THE DENVER UNION STOCKYARDS)	
AGENCY AT DENVER, COLORADO.	)	DENYING APPLICATION

- - - - -
November 10, 1975
- - - - -

Appearances: Willard L. Peck, Esq.,
Denver, Colorado, and
John J. Mullins, Esq.,
Denver, Colorado, for
Applicants;
John S. Walker, Esq.,
Denver, Colorado, for
The Denver & Rio Grande
Western Railroad Company,
Intervenor;
Allen I. Mendleson, Esq.,
and Bruce Davis, Esq.,
of Glassie, Pewett, Beebe,
& Shanks, Washington, D.C.,
for Denver Recycling Co.,
Liberty Commodities Co.,
and Litvak Meat Company,
Protestants;
John E. Archibold, Assistant
Solicitor General, Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

On May 23, 1975, the Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; The Colorado and Southern Railway Company; and Union Pacific Railroad Company filed the above-titled application with this Commission requesting authorization to discontinue agency service at the Denver Union Stockyards Station, Denver, Colorado.

The Commission assigned Docket No. 28364 to the application and after due and proper notice to all interested persons, firms, or corporations, set the application for hearing to be held on Friday, August 8, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. This hearing date was subsequently vacated and reset for hearing at the said location on Friday, October 17, 1975, at 10 a.m. at which time and place the hearing was held by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned.

Subsequent to the filing of the application, letters of protest were received from the following firms: Liberty Commodities Company; Qual-Pet, Inc.; Globe Products Company; Merchants Refrigerating Company; Denver Recycling Co.; Processors, Inc.; Colorado/Utah/Idaho/International; and Pepcol Manufacturing Company. On June 20, 1975, the Colorado Meat Dealers Association, of which the aforementioned Denver Recycling Company and Litvak Meat Company are members, filed its protest to the granting of the application.

On July 28, 1975, counsel for the Commission requested that Applicants submit to the Commission copies of any and all exhibits to be introduced into evidence in the hearing, specifically setting forth certain information to be contained in Applicants' exhibits. These exhibits were duly filed.

In the hearing, Exhibits 1 through 13, 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 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Applicants in this proceeding are the Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc.; The Colorado and Southern Railway Company, and the Union Pacific Railroad Company (all hereinafter referred to collectively as "Applicants").

2. By this application Applicants request an order from this Commission authorizing Applicants to discontinue agency service at their Denver Union Stockyards Station and remove the same from the open and prepay lists. This agency station has for many years been a joint agency operated on behalf of the Applicants and also The Denver & Rio Grande Western Railroad Company and Chicago, Rock Island & Pacific Railroad Company. Neither of these two additional railroad companies are Applicants in this proceeding, and The Denver & Rio Grande Western Railroad Company does in fact oppose this application.

3. Protestant Denver Recycling Co. is engaged in the production of blood meal, bone tankage, and edible and unedible tallow. Denver Recycling Co. is located at 5350 North Washington Street in Denver and is associated with Globe Products Company; Qual-Pet, Inc.; and Liberty Commodities Company, all of which firms filed letters of protest to this application and all of which are located at the same address.

4. Protestant Litvak Meat Packing Company, located at East 59th Avenue and York Street in Denver, in addition to its principal function as a meat packing firm, is also engaged in the shipments of cattle by-products, primarily tallow, which is shipped over the entire nation to approximately 20 different locations.

5. The joint agency at the Denver Union Stockyards has in the past and is presently operated on behalf of the other railroads by Applicant Colorado and Southern Railway Company, which is now a subsidiary

company of Applicant Burlington Northern, Inc. Expenses of operating the agency are borne by the Applicants, together with The Denver & Rio Grande Western Railroad Company and Chicago, Rock Island and Pacific Railroad Company, in proportion to the amount of business handled on behalf of each respective railroad. No livestock shipments are originated at the Denver Union Stockyards, and the forwarding shipments consist mainly of animal by-products such as tallow, which is the solid rendered fat of cattle used chiefly in soap, margarine, candles, and lubricants. Most of the commodities forwarded from the Denver Union Stockyards can be shipped only by rail.

6. Applicants contend that all services rendered by the joint agency at Denver Union Stockyards can be performed by phone at any of Applicants' other offices. The present agent at the Union Stockyards, Mr. Lee M. Sheard, now cuts waybills, issues weight certificates, issues bills of lading, and assists the shipper in routing shipments and calculating rates. Mr. Sheard is authorized to execute documents on behalf of all of the railroads operating the joint agency. The majority of shippers utilizing the joint agency, specifically the Protestants herein, now send their representative to the agency office for the purpose of delivering shipping orders and bills of lading and for receiving the weight certificates. The shippers also have numerous occasions upon which they must call upon Mr. Sheard for routing, rate, switching, and car location information and assistance.

Applicants contend that all of the services presently performed by Mr. Sheard could also be obtained by telephone from the respective railroads. The proposed procedure to be followed would be initiated by the shipper's calling the appropriate office of the railroad on which the shipment is to originate, and furnishing to this office the necessary information to issue a waybill. The shipper would then prepare a bill of lading and forward it by mail to the office issuing the waybill, with this office returning the issued bill of lading, together with the weight certificate by mail to the shipper. Applicants contend that, since a bill of lading is unnecessary before a shipment is actually commenced, there would be no delay to the shipper. It would be necessary, however, for any shipper wishing to ship collect to be on an approved credit list or to make a required deposit before any shipment would be initiated. Any information the shipper may desire concerning rates, switching, or car location could be obtained from any of the respective Applicants' appropriate offices. All work presently performed by Mr. Sheard could thus presumably be absorbed by Applicants' present personnel.

7. Substantial evidence in this proceeding shows that the Applicants' agent at the Denver Union Stockyards performs efficient and time-saving functions for and on behalf of the shipping public, particularly the Protestants herein. Shippers desiring to originate shipments at the stockyards are now able to call one individual who can furnish, in the great majority of cases, immediate information concerning rates, switching, and can also lend immediate assistance in locating cars. The joint agency accepts bills of lading, furnishes information regarding the correct routing and other matters of concern to the shipper, and in general renders valuable, efficient, and personalized service to the shipper which would not otherwise be available if this joint agency were closed. Under Applicants' proposed procedures, the shipper, assuming that he has sufficient knowledge to know which of Applicants' offices to call initially, must either await return of the bill of lading and a certificate by mail or send a representative to the appropriate office, which may be located a considerable distance from the shipper's office, to have the bill of lading issued and obtain the weight certificate. Since the shipper must have the bill of lading and weight certificate before billing the customer, Applicants' proposed procedure to be

followed upon closing the joint agency would, as shown by substantial evidence in this proceeding, result in unnecessary inconvenience, delay, and/or expense to the shipping public.

8. Although Applicants do not rely solely upon economic necessity for closing the Union Stockyards agency, they presented evidence to show that such closing would result in an unknown reduction in expenses. Three-year volume and revenue figures for carload forwarding operations at the agency show that in 1972 the total number of carloads forwarded was 780 with \$1,101,163 in freight revenue; 772 carloads in 1973 with \$1,058,105 in revenue; and 741 carloads resulting in revenues in \$1,074,718 in 1974. The costs of operating the agency during this three-year period were \$30,548 in 1972; \$33,913 in 1973; and \$38,019 in 1974. As can be seen from these figures, the number of carloads and revenues have declined slightly since 1972, while operating costs have increased approximately \$8,000. The change in the ratio of revenues to costs for the agency operation, even when the inflationary trends are considered, is not of substantial significance when compared with the benefit the shipping public derives from the Stockyards agency.

It is parenthetically noted that Intervenor The Denver & Rio Grande Western Railroad Company, which takes the Protestants' position in this proceeding, paid \$4,822 of the 1974 operating expenses, which amount exceeds that of either the Atchison, Topeka and Santa Fe Railway Company or Burlington Northern, Inc.

9. The Denver & Rio Grande Western Railroad Company and Protestants contend, and substantial evidence in this proceeding shows, that the joint agency at the Denver Union Stockyards is rendering a valuable and necessary service justifying the expenses incurred in the operation of this agency. It is thus hereby found as fact that the present and future public convenience and necessity requires, and will require, the existing agency at Denver Union Stockyards at Denver, Colorado. The granting of this application to close said agency would thus not be in the public interest and should be denied.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over the Applicants, Intervenor, and subject matter of this proceeding.

2. Applicants have failed to show that public convenience and necessity requires the abandonment of the Denver Union Stockyards agency, and this application should therefore be denied.

3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28364, being the application of the Atchison, Topeka and Santa Fe Railway Company; Burlington Northern, Inc; The Colorado and Southern Railway Company; and Union Pacific Railroad Company for authority to abandon the Denver Union Stockyards agency at Denver, Colorado, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KEITH KINNETT, ROUTE 3, BOX 870,)
MONTROSE, COLORADO, FOR AUTHORITY)
TO OPERATE AS A CLASS "B" CONTRACT)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28726-PP

ORDER OF THE COMMISSION

November 18, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

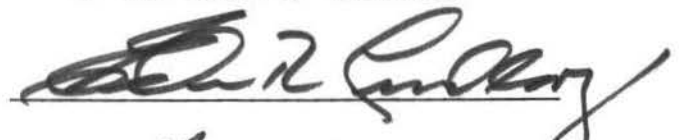

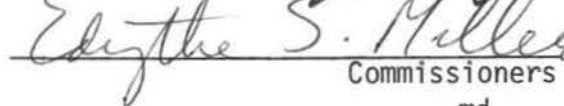
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 87735
November 18, 1975

Keith Kinnett

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)	
STEVEN C. TILLOTSON, ROUTE 1, BOX)	APPLICATION NO. 28732-PP
289, SPACE 40, DURANGO, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A)	ORDER OF THE COMMISSION
CLASS "B" CONTRACT CARRIER BY)	
MOTOR VEHICLE.)	

- - - - -
November 18, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87736
November 18, 1975

Steven C. Tillotson

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 150 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 C. PITTINGTON, DOING BUSI- NESS AS "PITTINGTON CONSTRUCTION," 4929 WEST 1ST, LOVELAND, COLORADO, FOR AUTHORITY TO OPERATE AS A CLASS "B" CONTRACT CARRIER BY MOTOR VEHICLE.	} } } } } }	APPLICATION NO. 28739-PP ORDER OF THE COMMISSION
--	----------------------------	---

November 18, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.


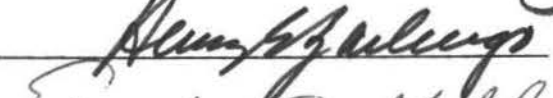

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 87737
November 18, 1975

Pittington Construction

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 30 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 PROCTOR AND ELMER COLOMBO)
DOING BUSINESS AS "PARADOX LUMBER)
COMPANY," BOX 206, PARADOX, COLO-)
RADO, FOR AUTHORITY TO OPERATE AS)
A CLASS "B" CONTRACT CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28740-PP

ORDER OF THE COMMISSION

November 18, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

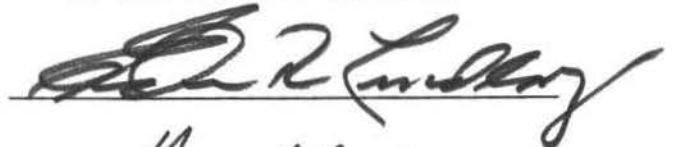
IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

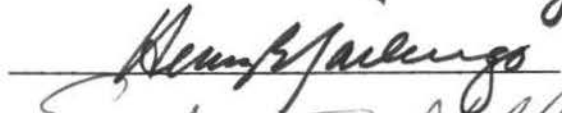
IT IS FURTHER ORDERED, That no operations shall be commenced by the Applicant until a customer list, the necessary tariffs, and required insurance have been filed by the aforesaid Applicant, and authority sheets have been issued.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

Appendix
Decision No. 87738
November 18, 1975

Paradox Lumber Company

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 50 miles from the point(s) of origin.

(Decision No. 87739)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PRESTON S. DUTTON, DOING BUSINESS)	APPLICATION NO. 28335
AS "TRI-CITY-MOVING," 2840 SOUTH)	
LOGAN, ENGLEWOOD, COLORADO, FOR A)	RECOMMENDED DECISION OF
CERTIFICATE OF PUBLIC CONVENIENCE)	JAMES K. TARPEY, EXAMINER
AND NECESSITY TO OPERATE AS A)	
COMMON CARRIER BY MOTOR VEHICLE)	DENYING APPLICATION
FOR HIRE.)	

- - - - -
November 10, 1975
- - - - -

Appearances: Preston S. Dutton, Englewood,
Colorado, pro se, for Applicant;
Joseph F. Nigro, Esq., Denver,
Colorado, for Amick Transfer &
Storage Co., Bekins Van & Storage
Co., Buehler Transfer Co., G. I.
Moving & Storage Co., Johnson
Storage & Moving Co., Metro Moving
& Storage, and Weicker Transfer &
Storage Co., Protestants.

PROCEDURE AND RECORD

On April 25, 1975, Preston S. Dutton, doing business as "Tri-City-Moving" (hereinafter referred to as Applicant), filed the above-entitled application with this Commission for authority to conduct operations as a common carrier by motor vehicle for hire as specifically set forth in said application.

The Commission assigned Docket No. 28335 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973. Timely protests were filed to the granting of this application as listed under "Appearances," supra, as well as on behalf of Bonanza Moving & Storage.

Pursuant to law, the Commission assigned the application to James K. Tarpey, Examiner, for the purpose of conducting a hearing. After due and proper notice to all interested persons, firms or corporations, the Commission set the herein matter for hearing to be held on Monday, October 20, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and the hearing was held as scheduled.

At the commencement of the hearing, the protest on behalf of Bonanza Moving & Storage was withdrawn.

At the request of Protestants, and with the concurrence of Applicant, official notice was taken of the Certificates of Public Convenience and Necessity of the Protestants as follows:

<u>PROTESTANT</u>	<u>CERTIFICATE NUMBER</u>
Amick Transfer & Storage Co.	PUC 332 & I
Bekins Van & Storage Co.	PUC 338 & I
Buehler Transfer Co.	PUC 340
G. I. Moving & Storage Co.	PUC 507
Johnson Storage & Moving Co.	PUC 335 & I
Metro Moving & Storage	PUC 5715
Weicker Transfer & Storage Co.	PUC 341

With the agreement of the parties, official notice was also taken of the Annual Reports of each of the Protestants.

No one other than Applicant testified at the hearing.

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

Pursuant to the provisions of Title 40, CRS 1973, Examiner James K. Tarpey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact and conclusions thereon, together with a recommended order or requirement.

FINDINGS OF FACT

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

1. By this application, Applicant seeks authority to conduct operations as follows:

Transportation of light household goods, furniture, appliances, and personal effects, seven days a week:

In an area bounded on the south by County Line Road in Arapahoe County, east on County Line Road to I-25, north on I-25 to Arapahoe Road, east on Arapahoe Road to Parker Road, northwest on Parker Road to I-225, north on I-225 to Colfax Avenue, west on East Colfax Avenue to Wadsworth Boulevard in Jefferson County, south on Wadsworth Boulevard to Hampden Avenue, east on Hampden Avenue to Santa Fe Drive, south on Santa Fe Drive to County Line Road.

2. Applicant will conduct the proposed operations as an individual.

3. The authority of each Protestant overlaps entirely the area sought by Applicant in this proceeding.

4. Applicant owns or leases one 1963 Chevrolet 2-ton van, one 1969 Ford 2-ton van, one 1975 GMC truck, and one 1961 2½-ton Chevrolet truck.

5. Applicant's net worth, in addition to his equity in his home, amounts to approximately \$6,000.

6. Although Applicant spoke in general terms about the financial support of a "silent partner," this arrangement has not been, and will not be, reduced to writing.

7. The evidence in this record is insufficient to persuade this Examiner that Applicant has sufficient financial ability to conduct the proposed operations.

8. The evidence in this record is insufficient to persuade this Examiner that there is a public need for the proposed operations.

9. The granting of the authority as herein sought is not, and will not be, in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant failed to satisfactorily prove his financial ability to conduct the proposed operations.

2. Applicant failed to satisfactorily prove a public need for the proposed operations.

3. Application No. 28335 should be denied.

4. Pursuant to 40-6-109, CRS 1973, it is recommended by this Examiner that the Commission enter the following Order.

O R D E R



THE COMMISSION ORDERS THAT:

1. Application No. 28335, being an application of Preston S. Dutton, doing business as "Tri-City-Moving," 2840 South Logan, Englewood, Colorado 80110, for authority to conduct operations under a certificate of public convenience and necessity, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
 jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
HARRY BLUE, VIRGINIA M. BLUE AND	)	APPLICATION NO. 28657-PP
RUSSELL G. ST. JOHN, DOING BUSINESS)	
AS "PARACHUTE GAS," 211 WEST 1ST	)	ORDER OF THE COMMISSION
STREET, GRAND VALLEY, COLORADO, FOR)	
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

- - - - -
November 18, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 87740
November 18, 1975

Parachute Gas

Transportation of

Liquid petroleum gas

Between points within the area described as follows: Commencing at a point three (3) miles east of Silt, Colorado on U. S. Highway I-70; thence north to the Rio Blanco-Garfield County line; thence west along said line fifty-one (51) miles to a point; thence south thirty (30) miles to a point; thence east thirty-one (31) miles to a point; thence due north to the Garfield-Mesa County line; thence east along said line twenty-one (21) miles to a point; thence north to point of beginning.

RESTRICTION: This Permit is restricted as follows:

- 1) To rendering transportation service for one customer only, Williams Energy Company, Tulsa, Oklahoma; and
- 2) To the use of tank vehicles not to exceed a maximum of 3,000 gallon water capacity per unit.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
UNIVERSITY TV AND RADIO REPAIR OF)	APPLICATION NO. 28681-PP
FT. COLLINS, INC., 3516 SOUTH MASON)	
STREET, FORT COLLINS, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

November 18, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

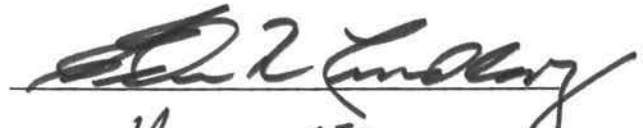


IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87741
November 18, 1975

University TV and Radio Repair of Ft. Collins, Inc.

Transportation of

Radios, stereos and television sets

Between all points located within an area comprised of the Counties of Weld and Larimer, State of Colorado.

RESTRICTION: This Permit is restricted as follows:

- (1) To shipments that require installation or servicing at the point of destination; and
- (2) To rendering transportation service for the following customers only:
 - (a) K-Mart Store No. 4471, 2445 South College Avenue, Fort Collins, Colorado;
 - (b) Murrays Furniture, 2627 South College Avenue, Fort Collins, Colorado;
 - (c) Downings, 2716 South College Avenue, Fort Collins, Colorado;
 - (d) Poudre Valley Appliances, 228 South College Avenue, Fort Collins, Colorado; and
 - (e) Tolivers, Inc., 117 North Mason Street, Fort Collins, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ROCKY MOUNTAIN AIRWAYS, INC., HANGAR)	
NO. 6, STAPLETON INTERNATIONAL AIR-)	APPLICATION NO. 28757-Extension-ETA
PORT, DENVER, COLORADO, FOR EMERGENCY)	
TEMPORARY AUTHORITY TO EXTEND OPERA-)	ORDER GRANTING EMERGENCY TEMPORARY
TIONS UNDER CERTIFICATE OF PUBLIC)	AUTHORITY
CONVENIENCE AND NECESSITY PUC NO.)	
ACS-69.)	

- - - - -
November 12, 1975
- - - - -

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

IT APPEARING, That failure to immediately grant emergency temporary authority may result in cessation of air carrier service presently available to that portion of the public wishing to travel by air between Denver, Colorado and the northwest portion of the State west of Steamboat Springs, Colorado.

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 extend operations under Certificate of Public Convenience and Necessity PUC No. ACS-69 for a period of fifteen (15) days commencing November 17, 1975, 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 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HENRY E. ZARLENGO - ABSENT


Commissioners
md

Appendix
Decision No. 87742
November 12, 1975

Rocky Mountain Airways, Inc.

Transportation -- on schedule by fixed wing aircraft -- of

Persons and property

Between Denver, Colorado, and airports in the vicinity thereof, and the Craig-Moffat County Airport, with the right to make an intermediate stop at Steamboat Springs, Colorado, and airports and stolports within a ten (10) mile radius thereof.

(Decision No. 87743)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF TARIFF SHEETS ACCOMPANYING)	INVESTIGATION AND SUSPENSION
ADVICE LETTER NO. 104 FILED BY)	DOCKET NO. 917
PEOPLES NATURAL GAS DIVISION OF)	
NORTHERN NATURAL GAS COMPANY,)	ORDER GRANTING MOTION TO MODIFY
COLORADO SPRINGS, COLORADO.)	

- - - - -
November 12, 1975
- - - - -

PROCEDURE AND RECORD

BY THE COMMISSION:

By Decision No. 87151 dated July 10, 1975, Respondent herein, Peoples Natural Gas Division of Northern Natural Gas Company (Peoples) was ordered to file with this Commission a cost-of-service study by rate areas no later than the last day of February, 1976, and that within 60 days after filing said cost-of-service study to file tariff revisions which would be necessary or appropriate.

On November 5, 1975, Respondent herein filed its Motion to Modify Commission Order, requesting that Peoples be allowed to file the aforesaid study no later than the last day of April, 1976, and that the tariffs be allowed to be filed simultaneously with such cost-of-service study.

The Commission states and finds that Respondent's request is reasonable and should be granted.

An appropriate order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

1. Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, ordered to file a cost-of-service study by class of service by rate area no later than the last day of April, 1976.
2. Peoples Natural Gas Division of Northern Natural Gas Company be, and hereby is, allowed to file simultaneously with such cost-of-service study such tariff revisions which would be necessary or appropriate pursuant to the information contained in the cost-of-service study.

3. This order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
blf

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision No. 87744)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF PROPOSED INCREASED)	INVESTIGATION AND SUSPENSION
RATES AND CHARGES CONTAINED IN)	DOCKET NO. 935
TARIFF REVISIONS FILED BY PUBLIC)	
SERVICE COMPANY OF COLORADO UNDER)	COMMISSION ORDER DENYING APPLICATION
ADVICE LETTER NO. 650 - ELECTRIC,)	FOR REHEARING AND RECONSIDERATION OF
ADVICE LETTER NO. 651 - ELECTRIC,)	DECISION NO. 87640
ADVICE LETTER NO. 250 - GAS AND)	
ADVICE LETTER NO. 251 - GAS.)	

- - - - -
November 12, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 21, 1975, the Commission entered its Decision No. 87640 in the above-captioned docket.

On November 10, 1975, CF&I Steel Corporation filed with the Commission an Application of CF&I Corporation for Rehearing or Reconsideration of Decision No. 87640.

The Commission states and finds that CF&I Steel Corporation's Application for Rehearing or Reconsideration does not set forth sufficient grounds for any change or modification and that said Motion should therefore be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application of CF&I Steel Corporation for Rehearing or Reconsideration of Decision No. 87640, dated October 21, 1975, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
blf

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
ARTHUR A. RICE, DOING BUSINESS AS)	APPLICATION NO. 28362
"ART'S MOBILE HOMES," 438 NORTH)	
TOWNSEND AVENUE, MONTROSE, COLORADO,)	COMMISSION ORDER DENYING
FOR AN ORDER OF THE COMMISSION EXEMPT-)	APPLICATION FOR RECONSIDERATION
ING WALTER ALAN RICE AS A DRIVER AND)	OF RECOMMENDED DECISION NO. 87564
FOR ARTHUR A. RICE, DOING BUSINESS AS)	
"ART'S MOBILE HOMES," FROM PART 391.6)	
(AGE) OF THE COMMISSION'S RULES AND)	
REGULATIONS GOVERNING COMMON CARRIERS)	
BY MOTOR VEHICLE.)	

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 1, 1975, Examiner Robert L. Pyle issued his Recommended Decision No. 87564 in the above-caption matter. Said decision became the Commission decision by operation of law, on October 21, 1975, no exceptions having been filed, no extensions authorized, and no stays issued prior to said date.

On October 31, 1975, Arthur A. Rice, doing business as "Art's Mobile Homes," Applicant herein, filed an "Application for Reconsideration," directed to Decision No. 87564. Applicant did not file a transcript. Section 40-6-113(4), CRS 1973, reads as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provisions, it must be presumed that the basic findings of fact of the Hearing Examiner are complete and accurate.

The Commission has now reconsidered the matter and has determined that the Application for Reconsideration, directed to Commission Decision No. 87564, does not set forth sufficient grounds for the granting thereof and, therefore, should be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Reconsideration filed on October 31, 1975, by Applicant, Arthur A. Rice, doing business as "Art's Mobile Homes," be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT.
vjr

(Decision No. 87746)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT NORTH PARK TRANSPORTATION)
CO.)

CASE NO. 5634

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 14, 1975, by its Decision No. 87614, the Commission instituted the within show cause proceeding with respect to the operations of North Park Transportation Co., Respondent herein.

On October 28, 1975, by its Decision No. 87664, the Commission granted Rio Grande Motor Way, Inc., leave to intervene in the within matter.

On November 3, 1975, Respondent North Park Transportation Co. filed a Petition for Reconsideration Embracing Motion to Dismiss, directed to the aforesaid decisions.

The Commission states and finds that Respondent's Petition for Reconsideration Embracing Motion to Dismiss does not set forth sufficient grounds for the granting thereof, and that the same should be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for Reconsideration Embracing Motion to Dismiss filed on November 3, 1975, by North Park Transportation Co. be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November 1975,

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

(Decision 87747)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BEKINS VAN & STORAGE COMPANY,
BONANZA MOVING & STORAGE CO.,
INC., BOWERS TRANSFER &
STORAGE CO., BUEHLER TRANSFER
CO., CITY STORAGE & TRANSFER,
INC., EDSON EXPRESS, INC.,
G. I. EXPRESS COMPANY, doing
business as G. I. MOVING &
STORAGE CO., GOLDEN TRANSFER
CO., JOHNSON STORAGE & MOVING
CO., OVERLAND MOTOR EXPRESS,
INC., doing business as
BOULDER-DENVER TRUCK LINE
and WEICKER TRANSFER & STORAGE
CO.,

Complainants,

vs.

R & B MOVING & STORAGE CO.,
doing business as BROADWAY
MOVING & STORAGE CO.,

Respondent.

CASE NO. 5632

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The within Complaint was filed on September 30, 1975. On October 28, 1975, the Respondent filed a Motion to Dismiss, which alleged that the alleged violations of the Complainants as set forth in the Formal Complaint will be heard and determined at the time of a show cause hearing (Case No. 5637).

A review of the respective allegations in the within case (Case 5632) and Case No. 5637 would indicate that the within case is broader in scope than the show cause case. Accordingly, the Respondent's Motion to Dismiss must be denied. However, a consolidation of the two cases may be appropriate, and the parties herein may so move if they desire.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Dismiss filed by R & B Moving & Storage Co., doing business as Broadway Moving & Storage Co., on October 28, 1975, be, and the same hereby is, denied.

2. R & B Moving & Storage Co., doing business as Broadway Moving & Storage Co., be, and hereby is, ordered to answer the Complaint herein with ten (10) days from the effective date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE: SUPPLEMENT K-6 TO TARIFF OF
INCREASED RATES AND CHARGES X-313,
FILED FOR AND ON BEHALF OF COLORADO
INTRASTATE RAILROADS.

) INVESTIGATION AND SUSPENSION
) DOCKET NO. 979
)

) ORDER GRANTING EXTENSION OF TIME

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 24, 1975, Recommended Decision No. 87650 of Examiner Thomas M. McCaffrey was entered and served upon the parties.

On October 30, 1975, Colorado Intrastate Railroads, by its attorney John S. Walker, Jr., filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty (20) 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:

Colorado Intrastate Railroads be, and hereby is, granted an Extension of Time Within 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 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 87749)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION	)	APPLICATION NO. 28745
OF THE MOUNTAIN STATES TELEPHONE)	
AND TELEGRAPH COMPANY FOR AUTH-	)	ORDER OF THE COMMISSION
ORITY TO PLACE RATES INTO EFFECT)	
ON LESS THAN THIRTY DAYS' NOTICE.)	

- - - - -
November 12, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 31, 1975, Mountain States Telephone and Telegraph Company (hereinafter "Mountain Bell" or "Respondent") filed the within application to place rates into service on less than thirty (30) days' notice. The rates which Mountain Bell desires to place into effect are the same tariffs filed pursuant to Decision No. 87701, dated October 30, 1975, pursuant to Mountain Bell's Advice Letter No. 1151, dated October 31, 1975.

On March 7, 1975, Applicant filed under Advice Letter No. 1073 revised tariffs to produce additional revenues of approximately \$40.3 million. These tariffs were suspended by the Commission but would become effective by operation of law on November 3, 1975, in the absence of a final decision of the Commission establishing such other rates as it finds just and reasonable.

Decision No. 87701 dated October 30, 1975, did establish new rates in lieu of those proposed by Applicant under Advice Letter No. 1073 and the Applicant in response to that decision has filed under Advice Letter No. 1151 dated October 31, 1975, tariffs to produce the additional authorized revenues of approximately \$41.3 million.

However, in the event a motion to rehear, reconsider or reargue Decision No. 87701 is filed, then that Decision is automatically stayed and in the absence of a final decision, the previously filed tariffs under Advice Letter No. 1073 become effective by operation of law.

Mountain Bell states that in order to avoid the possibility of the tariffs which would have produced an additional \$40.3 million becoming effective, Mountain Bell proposes that under this application the tariffs filed under Advice Letter No. 1151 be approved as interim tariffs on less than thirty days' notice, thereby reducing the rates to the level found appropriate by the Commission and that the interim rates remain in effect pending the expiration of the period of time for filing and deciding motions to rehear.

The Commission notes that service of the within application was made upon all of the parties, or their respective counsel, who appeared in Investigation and Suspension Docket No. 930, which resulted in the Commission's Decision No. 87701, dated October 30, 1975, authorizing Mountain Bell to file tariffs to produce additional revenues in the amount of \$11.4 million.

In view of the foregoing, which the Commission states and finds to be factually correct, the Commission concludes that it is in the public interest to grant the within application without the necessity of a 30-day tariff filing pursuant to Rule 18 I.B. of the Commission's Rules of Practice and Procedure.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. In the event an application for rehearing, reconsideration or reargument is filed in Investigation and Suspension Docket No. 930, Mountain States Telephone and Telegraph Company be, and the same hereby is, authorized to file tariffs which are identical to the tariffs filed pursuant to Decision No. 87701, dated October 30, 1975, pursuant to Mountain States Telephone and Telegraph Company's Advice Letter No. 1151, dated October 31, 1975, which tariffs are authorized to become effective immediately upon the filing thereof, which tariffs shall remain in effect to and including December 19, 1975, unless otherwise ordered by the Commission.

2. The tariffs provided for herein shall reflect the effective date thereof and the authority for filing under this decision.

This Order shall become effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Ethyde S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
NORTHERN NATURAL GAS COMPANY FOR)	
AUTHORITY TO ISSUE UP TO 11,000,000)	APPLICATION NO. 28723-Securities
SHARES OF ITS COMMON STOCK, PAR)	
VALUE \$10 PER SHARE, AS A SPLIT-UP)	ORDER OF THE COMMISSION
OF STOCK IN THE FORM OF A 100)	GRANTING APPLICATION
PERCENT STOCK DIVIDEND.)	

- - - - -
November 12, 1975
- - - - -

Appearances: Thomas C. Stifler, Esq.,
Gresham, Stifler, Murphy & Gentry,
Colorado Springs, Colorado, and
Dean W. Wallace, Esq.,
Omaha, Nebraska, for Applicant.

PROCEDURE AND RECORD

Northern Natural Gas Company (Applicant) filed Application No. 28723-Securities with this Commission on October 20, 1975, seeking authority to issue up to 11,000,000 additional shares of its Common Stock, par value \$10 per share as a split-up in the form of a 100 percent stock dividend.

The application was set for a hearing to be held at 9 a. m. on Wednesday, November 5, 1975, in Room 505, Columbine Building, 1845 Sherman Street, Denver, Colorado. Due and proper notice thereof was given to all interested persons, firms, or corporations. At such time and place, the matter was heard by Hearings Examiner Robert E. Temmer, to whom the matter was duly assigned.

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

The Applicant's Secretary and its Manager of Corporate Accounting appeared and testified in support of the application.

Exhibits 1 through 19 were offered and admitted into evidence.

At the conclusion of the hearing, the application was taken under advisement.

FINDINGS OF FACT

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

1. Applicant is a public utility in Colorado, as defined in Section 40-1-103, Colorado Revised Statutes 1973.

2. Applicant is a Delaware corporation. A certified copy of Applicant's Certificate of Incorporation, as amended, and Certificate of Good Standing from the Secretary of State, State of Colorado, were filed with Applicant's Application No. 24124-Securities. An amendment dated October 22, 1975, to Certificate of Incorporation was filed with this application. The principal office and address of Applicant is 2223 Dodge Street, Omaha, Nebraska 68102.

3. Applicant owns and operates a pipeline system through which it transmits natural gas purchased in the States of Colorado, New Mexico, Texas, Oklahoma, Kansas, and Montana to points in those states and to points in the States of Nebraska, South Dakota, Iowa, Illinois, Minnesota, Wisconsin, and Michigan where such gas is either distributed locally through Applicant's Peoples Natural Gas division or sold at town borders for consumption and resale. Subsidiaries of the Applicant are engaged in the extraction, transportation and sale of liquid fuels and in the production and sale of petrochemicals and related products.

4. Applicant proposes, pursuant to appropriate resolutions of its Board of Directors, (a) to issue up to 11,000,000 additional shares of its Common Stock, par value \$10 per share as a split-up in the form of a 100 percent stock dividend; (b) to eliminate preemptive rights for holders of Common Stock; and (c) to authorize the Board of Directors to fix voting rights, full or limited, for any new issue of Preferred Stock or Second Preferred Stock.

5. Applicant will incur reasonable expenses in connection with the proposed issue of Common Stock.

6. Applicant's consolidated pro forma capital structure after the issuance of the proposed Common Stock will be 49.5 percent long-term debt, 4.4 percent Preferred Stock and 46.1 percent Common Stock equity.

7. The proposed issuance by Applicant of up to 11,000,000 shares of Common Stock, par value \$10 per share, is reasonably required and necessary for Applicant's proper corporate financing and operation.

8. The Commission is fully advised in the premises.

9. Since Section 40-1-104, Colorado Revised Statutes 1973, requires that security applications be disposed of within thirty (30) days, the Commission finds that due and timely execution of its functions imperatively and unavoidably requires that the recommended decision of the Hearings Examiner be omitted and that this Decision should be the initial Decision of the Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant is a public utility as defined in Section 40-1-103, CRS 1973.

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

3. Pursuant to Section 40-6-109(6), CRS 1973, this decision should be the initial decision of the Commission.

4. The issuance of up to 11,000,000 shares of Common Stock, par value \$10 per share, is not inconsistent with the public interest, and the purpose or purposes thereof are permitted by and are consistent with the provisions of Title 40, CRS 1973, and it should be authorized and approved.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The following be, and the same hereby is, authorized and approved: The issuance of up to 11,000,000 additional shares of its Common Stock, par value \$10 per share as a split-up in the form of a 100 percent stock dividend, by Northern Natural Gas Company, the Applicant herein.

2. The securities authorized to be issued hereunder shall bear on the face thereof a serial number for proper and easy identification.

3. Within ninety (90) days after issuance of the common shares, Applicant shall file with the Commission:

- (a) a verified report stating the number of common shares that have been issued,
- (b) the date of issuance,
- (c) the cost of issuance,
- (d) the journal entries reflecting such issuance on Applicant's books, and
- (e) provide the Commission with a new corporate balance sheet depicting this issuance.

4. Nothing herein contained shall be construed to imply any recommendations or guarantee of or any obligation with regard to said securities on the part of the State of Colorado.

5. The Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem proper or desirable.

6. The authority granted herein shall be exercised from and after the date of this Order and the Order herein contained shall be effective forthwith.

7. The within Decision and Order shall be the initial Decision and Order of the Commission as provided for in Section 40-6-109(6), CRS 1973.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
rw/nlr

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

(Decision No. 87751)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

HOME BUILDERS ASSOCIATION
OF METROPOLITAN DENVER,

Complainant,

vs.

PUBLIC SERVICE COMPANY OF
COLORADO,

Respondent.

CASE NO. 5620

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 3, 1975, Public Service Company of Colorado, Respondent herein, filed a pleading entitled "Respondent's Objections to Interrogatories and Document Production and Request for Extension of Time to Produce Documents" in the above-captioned case, the extension of time being to and including December 1, 1975.

On November 12, 1975, Complainant, Home Builders Association of Metropolitan Denver, by letter to the Secretary of the Commission, withdrew, without prejudice, Interrogatories Numbered 6 through 10, inclusive, contained in Complainant's Second Set of Interrogatories, and Requests for Production Nos. 2 and 3 contained in Complainant's Second Request for Production of Documents. The letter further stated that Complainant had no objection to and consents to the requested extension of time.

The Commission states and finds that the above-referred to letter from Complainant directed to the Secretary of the Commission hereby renders the Respondent's objections filed November 3, 1975, moot. The Commission also finds and concludes that the request for extension of time to supply information requested in item three of Complainant's Second Request for Production of Documents, being uncontested by Complainant, should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The extension of time to produce documents to and including December 1, 1975, filed November 3, 1975, by Respondent, Public Service Company of Colorado, be, and the same hereby is, granted.

2. Home Builders Association of Metropolitan Denver, Interrogatories Numbered 6 through 10, inclusive, contained in its Second Set of Interrogatories, and Requests for Production Nos. 2 and 3 contained in its Second Request for Production of Documents, are stricken without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT
ds

(Decision No. 87752)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN GATHERING CHARGES
PUBLISHED BY CONTINENTAL PIPE LINE
COMPANY IN TARIFF NO. 18 TO BECOME
EFFECTIVE ON NOVEMBER 16, 1975.

) INVESTIGATION AND SUSPENSION
) DOCKET NO. 1000
)
) ORDER OF COMMISSION SETTING
) HEARING AND SUSPENDING INCREASED
) CHARGES

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1975, Continental Pipe Line Company, Respondent herein, filed Local Tariff Colorado P.U.C. No. 18 cancelling Local Tariff Colorado P.U.C. No. 16 and increasing the gathering charges from 15¢ to 21¢ per barrel. Said tariff is scheduled to become effective on November 16, 1975.

The Commission is in receipt of a letter from the principal shipper supporting the proposed increase, however, a review of the supporting data indicates that it may be insufficient to justify the amount of increase sought.

The Commission, on its own motion, states and finds that Continental Pipe Line Company Local Tariff Colorado P.U.C. No. 18 should be set for hearing and the effective date suspended.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Continental Pipe Line Company, Respondent herein.
2. That this Investigation and Suspension Docket No. 1000, be, and the same is hereby, set for hearing before the Commission on:

Date: January 22, 1976

Time: 10:00 AM

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

3. That Continental Pipe Line Company Local Tariff Colorado P.U.C. No. 18 be, and hereby is, suspended for a period of 210 days or until June 13, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filing hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon N. B. Mavris, President, Continental Pipe Line Company, P. O. Box 2197, Houston, Texas 77001.

7. That at least 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 it intend to introduce in evidence in support of its case.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

* * *

ORDER DENYING SUBSTITUTION OF PARTIES

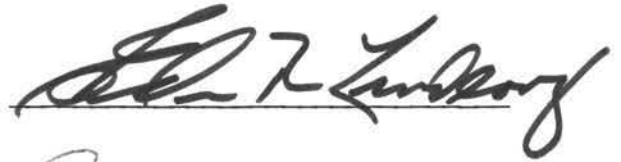
October 28, 1975

1. The "Petition for Substitution" filed by Mountain West Airline Company and Mountain West Charters, Inc., be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 28th day of October, 1975.

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.A handwritten signature in dark ink, appearing to read "Edythe S. Miller", written over a horizontal line.
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGES IN ITEM NO. 640,	)	CASE NO. 1585
STORAGE CHARGE RULE, AND ITEM)	
NO. 2470, FRESH MEAT, AS	)	ORDER PRESCRIBING CHANGES
PUBLISHED IN COLORADO MOTOR	)	AS PUBLISHED IN COLORADO
TARIFF BUREAU TARIFF NO. 12-B,	)	MOTOR TARIFF BUREAU TARIFF
SCHEDULED TO BECOME EFFECTIVE	)	NO. 12-B
ON NOVEMBER 17, 1975.)	

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 17, 1975, the Colorado Motor Tariff Bureau, Inc., for and on behalf of the participating carriers therein, filed 9th Revised Page No. 97 and 14th Revised Page No. 290 to Colorado Motor Tariff Bureau Tariff No. 12-B, scheduled to become effective on November 17, 1975.

Item No. 640 on Page No. 97 therein is being amended to increase the minimum charge on storage from 35¢ to 40¢ per shipment per day. No other changes are being made in this item.

Item No. 2470 on Page No. 290 is being amended to extend the present expiration date of December 31, 1975 to read June 30, 1976. This item provides a commodity rate on fresh meat from Grand Junction to Denver and Pueblo.

In justification of the proposed changes it is pointed out that the minimum storage charge of 35¢ in Item No. 640 has been subject to increase Amendments 34, 35 and 36 which were allowed to become effective by the Commission and which provided for increases of six, two and six percent respectively. The 35¢ charge was never increased, however, as all charges were to be rounded to the nearest "0" or "5" and this rounding brought the charge back to 35¢ in each case. The purpose of this filing, therefore, is to publish out the fourteen percent increase which has previously been authorized by Amendments 34, 35 and 36.

The proponent carrier in Item No. 2470 states that the reduced rates on fresh meat from Grand Junction to Denver and Pueblo were originally published on an experimental basis to determine if a regular movement could be encouraged. The item was only used once in the first six months trial and the carrier desires to extend the rates for an additional six months to give prospective users more time to develop a market.

The Commission, on its own motion, states and finds that it will be in the public interest to allow said changes to become effective and that said changes should be prescribed.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the minimum storage charge in Item No. 640 of Colorado Motor Tariff Bureau Tariff No. 12-B shall be 40¢ as published on 9th Revised Page No. 97 and that the expiration date of Item No. 2470 as published on 14th Revised Page No. 290 shall be June 30, 1976, and that said changes shall be entered as 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 the effective date of this Order, 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 the effective date of this Order, 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.

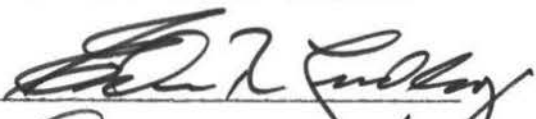
7. That the Order as entered in Case No. 1585 on February 5, 1936, as since amended, shall continue in force and effect until further Order of the Commission.

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 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

dh

(Decision No. 87755)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: SUPPLEMENT K-6 TO TARIFF OF)	
INCREASED RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
X-305-RE, APPLYING ON RECYCLABLE	)	DOCKET NO. 999
MATERIALS, FILED TO BECOME)	
EFFECTIVE NOVEMBER 20, 1975 FOR	)	ORDER SETTING MATTER FOR
APPLICATION BY COLORADO	)	HEARING AND SUSPENDING TARIFF
RAILROADS.)	

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 17, 1975, Supplement K-6 to Tariff of Increased Rates and Charges X-305-RE applying on recyclable materials was filed for and on behalf of the railroads serving Colorado in intrastate commerce. Said supplement, if allowed to become effective, would increase the rates and charges on recyclable materials by ten (10) percent as of November 20, 1975.

Respondent Railroads submitted no justification in support of the filing, however, the Commission finds that the interstate application of said increase was allowed to become effective on October 11, 1975, but that the Interstate Commerce Commission, on its own motion, instituted an investigation into the lawfulness of the rates and charges in Tariff of Increased Rates and Charges X-305-RE.

Respondent Railroads did publish notice of the proposed increase as required and two (2) protests have been filed. One (1) by CF&I Steel Corporation on November 4 and One (1) by Luria Brothers & Co., Inc. on November 7.

In consideration of the facts that, Respondents have submitted no data in support of the proposed increase, the Interstate Commerce Commission has entered into an investigation concerning the lawfulness of the involved rates and charges, and the protests received, the Commission states and finds that Supplement K-6 to Tariff X-305-RE should be set for hearing and suspended.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Colorado Railroads, Respondents herein.

2. That this Investigation and Suspension Docket No. 999, be, and the same is hereby, set for hearing before the Commission on:

Date: January 19, 1976

Time: 10:00 AM

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

3. That Supplement K-6 to Tariff of Increased Rates and Charges X-305-RE be, and hereby is, suspended for a period of 210 days or until June 17, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filing hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

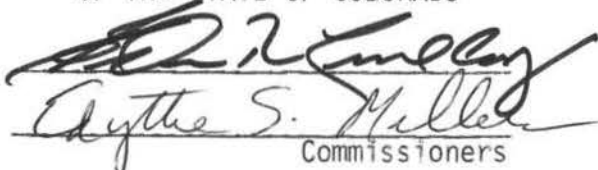
6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon William J. Hardin, Tariff Publishing Officer, 300 West Adams Street, Chicago, Illinois 60606.

7. That at least fifteen (15) 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.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO
ABSENT.

(Decision No. 87756)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATIONS	)	APPLICATION NO. 28702-Extension
OF W.M.W. CORPORATION, DOING	)	APPLICATION NO. 28708-Extension
BUSINESS AS "GLENWOOD TAXI,")	
317 6TH STREET, GLENWOOD SPRINGS,	)	ORDER GRANTING LEAVE TO INTERVENE
COLORADO, FOR AUTHORITY TO EXTEND)	
OPERATIONS UNDER PUC NO. 9731.)	

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 12, 1975, San Juan Tours, Inc., by its attorney, John S. Walker, Jr., filed with the Commission a Petition for Leave to Intervene in the above-captioned applications.

The Commission states and finds that the above 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.

ORDER

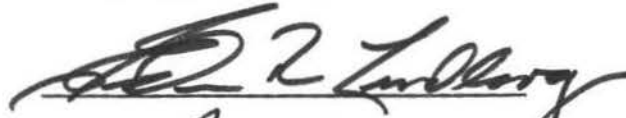
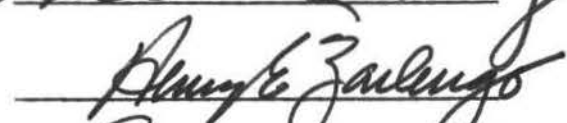
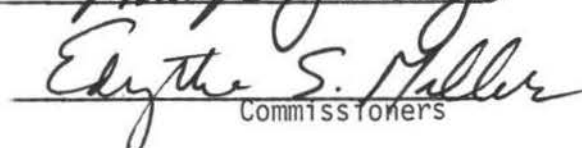
THE COMMISSION ORDERS THAT:

San Juan Tours, Inc. be, and hereby is, granted Leave to Intervene in the above-captioned applications.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 87757)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF WYCOFF COMPANY, INCORPORATED,
560 SOUTH 3RD STREET WEST, SALT
LAKE CITY, UTAH, FOR A CERTIFI-
CATE OF PUBLIC CONVENIENCE AND
NECESSITY TO OPERATE AS A COMMON
CARRIER BY MOTOR VEHICLE FOR
HIRE.

APPLICATION NO. 28707

ORDER GRANTING LEAVE TO INTERVENE

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 7, 1975, Continental Bus System, Inc. (Rocky Mountain Lines Division) by its attorney John R. Barry, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above 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

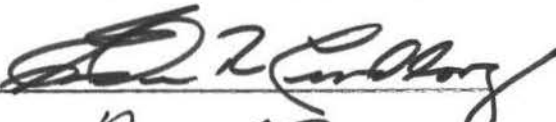


THE COMMISSION ORDERS THAT:

Continental Bus System, Inc. (Rocky Mountain Lines Division) be, and hereby is, granted Leave to Intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 87758)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
EDWARD GILBERT PERRY, JR., FOR
AUTHORITY TO TRANSFER ALL THE ISSUED
AND OUTSTANDING STOCK OF ENGLEWOOD
TRANSIT COMPANY, A COLORADO CORPO-
RATION, RECORD OWNER OF PUC NO. 222
AND PUC NO. 222-I, TO MILLER BROS.,
INC., POST OFFICE BOX 1228, GREELEY,
COLORADO.

APPLICATION NO.
28208-Stock Transfer

IN THE MATTER OF THE APPLICATION OF
EDWARD GILBERT PERRY, JR., FOR
AUTHORITY TO TRANSFER ALL THE ISSUED
AND OUTSTANDING STOCK OF ENGLEWOOD
TRANSIT COMPANY, A COLORADO CORPO-
RATION, RECORD OWNER OF PERMIT NO.
A-623, TO MILLER BROS., INC., POST
OFFICE BOX 1228, GREELEY, COLORADO.

APPLICATION NO.
28209-PP-Stock Transfer

IN THE MATTER OF THE APPLICATION OF
MILLER BROS., INC., AND ENGLEWOOD
TRANSIT COMPANY, FOR AUTHORITY TO
MERGE ENGLEWOOD TRANSIT COMPANY, A
COLORADO CORPORATION, 5280 NEWPORT
STREET, COMMERCE CITY, COLORADO,
INTO MILLER BROS., INC., POST OFFICE
BOX 1228, GREELEY, COLORADO.

APPLICATION NO.
28210-Merger

IN THE MATTER OF THE APPLICATION OF
MILLER BROS., INC., AND ENGLEWOOD
TRANSIT COMPANY FOR AUTHORITY TO
MERGE ENGLEWOOD TRANSIT COMPANY, A
COLORADO CORPORATION, 5280 NEWPORT
STREET, COMMERCE CITY, COLORADO,
INTO MILLER BROS., INC., POST OFFICE
BOX 1228, GREELEY, COLORADO.

APPLICATION No.
28211-PP-Merger

ORDER OF ROBERT E. TEMMER,
EXAMINER, CONTINUING HEARING

November 13, 1975

STATEMENT AND FINDINGS OF FACT

The above-captioned applications were called for further hearing on October 27, 1975, pursuant to due and proper notice. As a preliminary matter to the hearing, a Motion for Continuance was made on behalf of the Protestants. Official notice was taken of Decision No. 87613 issued on October 14, 1975, and of Case No. 5633. Case No. 5633 is a Show Cause proceeding concerning Englewood Transit Company and its operations under Certificate of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I. Said matter is presently set for hearing on December 30, 1975.

The validity of Certificate of Public Convenience and Necessity PUC No. 222 and PUC No. 222-I is an issue at the heart of these consolidated proceedings, and during the pendency of Case No. 5633, the validity of the certificate is in question. It would be in the public interest to continue the above-captioned proceedings until Case No. 5633 is finally disposed of by this Commission.

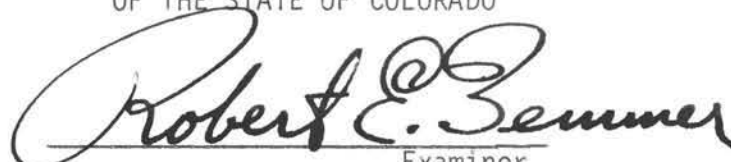
O R D E R

THE EXAMINER ORDERS THAT:

1. The hearing on the above-captioned applications be, and hereby is, continued, and said matters shall be reset for a hearing to be held after this Commission has finally determined the issues in Case No. 5633.

2. This Order shall be effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds

(Decision No. 87759)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)
OF PROPOSED CHANGES IN TARIFF -)
COLORADO PUC NO. 2 - GAS, WESTERN)
SLOPE GAS COMPANY, DENVER, COLORADO)
80201.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 1001

ORDER SETTING HEARING AND SUSPENDING
EFFECTIVE DATE OF TARIFFS

November 12, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 24, 1975, Western Slope Gas Company filed with the Commission Advice Letter No. 75, dated October 24, 1975, in compliance with the Public Utilities Law, as follows:

Colorado P.U.C. Sheet Number	Title of Sheet	Cancels Colorado P.U.C. Sheet Number
First Revised 43A	Schedule CSG-2	Sub. Original 43A
Fourth Revised 44	Schedule CI-2A	Third Revised 44
Fourth Revised 45	Schedule CI-2B	Third Revised 45
Fourth Revised 46	Schedule CDC-2	Third Revised 46
Fourth Revised 47	Schedule CDF-2A	Third Revised 47
Fourth Revised 48	Schedule CDF-2B	Third Revised 48
Fourth Revised 49	Schedule CDI-2A	Third Revised 49
Fourth Revised 50	Schedule CDI-2B	Third Revised 50
Fourth Revised 51	Schedule CS-2A	Third Revised 51
First Revised 51A	Schedule CS-2A	Sub. Original 51A
Fourth Revised 52	Schedule CS-2B	Third Revised 52
Fourth Revised 52A	Schedule CS-2B	Third Revised 52A
First Revised 52B	Schedule CS-2B	Sub. Original 52B
First Revised 71	Schedule WG-1	Original 71
First Revised 71A	Schedule WG-1	Sub. Original 71A
First Revised 75	Schedule WDC-1	Original 75
First Revised 77	Schedule WDI-1	Original 77
First Revised 78	Schedule WS-1A	Original 78
First Revised 78A	Schedule WS-1A	Sub. Original 78A
First Revised 79	Schedule WS-1B	Sub. Original 79
First Revised 79A	Schedule WS-1B	Original 79A
First Revised 80	Schedule WS-1C	Original 80
First Revised 80A	Schedule WS-1C	Sub. Original 80A
First Revised 80B	Schedule WS-1C	Sub. Original 80B
Third Revised 81	Gas Rate Adjustment	Second Revised 81
Third Revised 81A	Gas Rate Adjustment	Second Revised 81A
Second Revised 81B	Gas Rate Adjustment	First Revised 81B
Second Revised 86	Schedule WG-2A	First Revised 86
First Revised 86A	Schedule WG-2A	Sub. Original 86A
Second Revised 87	Schedule WG-2B	First Revised 87
First Revised 87A	Schedule WG-2B	Sub. Original 87A
Second Revised 88	Schedule WG-2C	First Revised 88

First Revised	88A	Schedule WG-2C	Sub. Original	88A
Second Revised	90	Schedule WI-2	Sub. First Revised	90
Second Revised	92	Schedule WDF-2	Sub. First Revised	92
Second Revised	93	Schedule WDI-2	Sub. First Revised	93
Third Revised	98	Gas Rate Adjustment	Second Revised	98
Second Revised	98A	Gas Rate Adjustment	First Revised	98A

COLORADO P.U.C. NO. 2

<u>Colorado P.U.C.</u> <u>Sheet Number</u>	<u>Title of Sheet</u>	<u>Cancels Colorado P.U.C.</u> <u>Sheet Number</u>
Fourth Revised 11	Schedule CG-1	Third Revised 11
Fourth Revised 11A	Schedule CG-1	Third Revised 11A
Second Revised 12	Schedule CPS-1	First Revised 12
Second Revised 12B	Schedule CPS-1	First Revised 12B
Second Revised 12C	Schedule CPS-1	First Revised 12C
Fourth Revised 13	Schedule CSG-1	Third Revised 13
Second Revised 13A	Schedule CSG-1	First Revised 13A
Fourth Revised 14	Schedule CI-1	Third Revised 14
Fourth Revised 16	Schedule CDF-1	Third Revised 16
Fourth Revised 17	Schedule CDI-1	Third Revised 17
First Revised 17A	Schedule CDI-1	Original 17A
Fourth Revised 18	Schedule CS-1A	Third Revised 18
Fourth Revised 18A	Schedule CS-1A	Third Revised 18A
Fourth Revised 19	Schedule CS-1B	Third Revised 19
Fourth Revised 19A	Schedule CS-1B	Third Revised 19A
Fourth Revised 20	Blank Sheet	Third Revised 20
Fourth Revised 20A	Blank Sheet	Third Revised 20A
First Revised 20B	Blank Sheet	Original 20B
Fourth Revised 41	Schedule CG-2	Third Revised 41
Fourth Revised 41A	Schedule CG-2	Third Revised 41A
Second Revised 42	Schedule CPS-2	First Revised 42
Second Revised 42B	Schedule CPS-2	First Revised 42B
Second Revised 42C	Schedule CPS-2	First Revised 42C
Fourth Revised 43	Schedule CSG-2	Third Revised 43

The purpose of this filing is to increase the earnings of the Company to a level more commensurate with current costs of capital. Western Slope Gas Company is a wholly-owned subsidiary of Public Service Company of Colorado and therefore experiences similar costs of equity capital. In this Commission's recent Decision No. 87474, dated September 12, 1975, in the matter of Public Service Company Investigation and Suspension Docket No. 935, a return to equity of fifteen (15) percent was found to be proper. Accordingly, the instant filing reflects a 15 percent return to equity for the test year.

This instant filing is based on an historical test year of twelve months ended June 30, 1975.

The Western Slope Gas Company requests that this filing become effective on thirty days' notice on November 23, 1975.

Pursuant to the provisions of Section 40-6-111, CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs, for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until June 20, 1976. If no new rates are established by the Commission by the aforesaid date in this Docket, the tariffs filed by Respondent will become effective by operation of law. Because of the important impact on the public using the gas service of the Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing in the manner and form as set forth in the Order hereinafter to follow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matters with respect to the tariffs filed on October 24, 1975, by Western Slope Gas Company, pursuant to Advice Letter No. 75, dated October 24, 1975, be, and hereby are, set for hearing as follows:

DATE: December 18, 1975

TIME: 10:00 A.M.

PLACE: Hearing Room
500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

The following day, December 19, 1975, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before December 5, 1975.

3. The effective date of the tariff sheets filed October 24, 1975, by Western Slope Gas Company, under its Advice Letter No. 75, dated October 24, 1975, be, and the same hereby is, suspended until June 20, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also

furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 12th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO ABSENT

blf/jp

(Decision No. 87760)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --)	DOCKET NO. 967
COLORADO PUC NO. 2 - WATER --)	
CASCADE PUBLIC SERVICE COMPANY,)	RECOMMENDED DECISION OF
CASCADE, COLORADO.)	ROBERT E. TEMMER, EXAMINER

ESTABLISHING NEW RATES

- - - - -
November 17, 1975
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Cascade Public Service
Company, Respondent;
John E. Archibold, Esq.,
Denver, Colorado, for
the Commission.

PROCEDURE AND RECORD

On May 21, 1975, Cascade Public Service Company, hereinafter referred to as Respondent, filed with this Commission its Advice Letter No. 2, dated May 22, 1975, applicable to water service, along with certain tariff sheets, as more fully described therein. The stated purpose of the filing was to increase rates and charges so that Respondent's rate of return would be improved. It was proposed by the Respondent that the tariffs become effective on July 1, 1975.

On June 17, 1975, the Commission issued its Decision No. 87016 which suspended the effective date of the tariffs, and set the matter for a hearing to be held on September 15, 1975. The hearing date was subsequently vacated, and the matter was reset for a hearing to be held on Wednesday, October 8, 1975, at 10 a.m. in the Auditorium of the County Office Building, 27 East Vermijo, Colorado Springs, Colorado. Due and proper notice of this hearing date was given to all interested persons, firms, or corporations. The hearing was held at the last-mentioned time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

On September 30, 1975, the Commission issued its Decision No. 87551 further suspending the effective date of the tariffs filed with Advice Letter No. 2 so that the period of suspension was extended to January 27, 1976, or until further order of the Commission.

At the hearing, Exhibits 1 through 25 were marked for identification, and all were admitted into evidence. Official notice was taken of Advice Letter No. 2, the accompanying tariff sheets, the Notice of an increase sent by Respondent to its consumers, and of the Affidavit filed with this Commission showing that the Notice had in fact been mailed to Respondent's customers. Official notice was also taken of the following numbered Commission Decisions: 86035; 85746; 87505; 85476; 85306; 87474; 86103; and 87582. Testimony was taken from witnesses on behalf of the Respondent and from members of the Staff of this Commission. No member of the public testified in the hearing, and no one appeared at the hearing in opposition to the rate increase requested.

This Commission received a number of letters of protest from consumers of Respondent, and copies of these letters were forwarded to the Respondent. Official notice be, and hereby is, taken by the Examiner, on his own motion, of all letters of protest contained in the official file in this matter.

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

Pursuant to the provisions of 40-6-109, CRS 1973, 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, conclusions thereon, and 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 corporation and is a wholly owned subsidiary of the Cascade Town Company. Respondent is in the business of acquiring, treating, and distributing water in its service area, and is a public utility as defined in Title 40, CRS 1973.

2. The filing that is under consideration involves rates for water service provided by Respondent to consumers in Respondent's service area.

3. Respondent has not increased its rates since 1969.

4. Respondent's water system consists of a chlorinator, pumping stations, storage tanks, and a distribution system. Respondent does not have a filtration plant.

5. Respondent has used as a test year the 12 months ending December 31, 1974. These were the latest figures available at the time of filing, and the proposed test year is a proper test year.

6. Respondent has proposed a rate base of \$96,408. Included in Respondent's calculation of rate base is an allowance for working capital of \$1,051. Respondent's practice is to bill all customers a year in advance. In these circumstances, an allowance for working capital in the rate base is not justified because Respondent receives its revenues

in advance of providing service and does not have to provide funds for working capital. Therefore, an adjustment has to be made to the rate base figure proposed by Respondent to eliminate the working capital allowance. Respondent's net average rate base for the test year is \$95,357 properly consisting of utility plant in service, less the accumulated provision for depreciation and contributions in aid of construction.

7. Respondent's gross revenues for the test year were \$29,789. Respondent's operating expenses totaled \$22,122. Respondent's net utility operating income was \$7,667. None of the officers or shareholders of Respondent received any compensation. No expenses were included by Respondent that were paid to officers or shareholders of Respondent. Based on the rate base found to be proper herein, Respondent had a rate of return on rate base of 8.04 percent during the test year.

8. Respondent has requested permission to make certain changes to its books and records in accordance with past Commission decisions, and that permission should be granted. In addition, Respondent has requested permission to make certain changes in connection with the water rights involved in providing utility service to Respondent's consumers, and those changes should also be authorized. These changes are detailed on Exhibit No. 9, admitted in evidence herein.

9. Respondent has requested that it be authorized to earn a rate of return of 15 percent on rate base. With Respondent's current capital structure, this would mean that Respondent would be earning 18.3 percent on its common equity. The highest rate of return on equity that has been authorized by this Commission in the past is 15 percent.

There is no comparable water utility in the State of Colorado with which to compare Respondent. However, there are a number of small gas and electric utilities which are somewhat comparable to Respondent, although they are much larger companies in terms of the size of their rate base. Respondent has had difficulty obtaining debt capital because of its financial position, as have some of the small gas and electric utilities, and increasing its currently authorized rate of return will put Respondent in a better position to acquire debt capital on a long-term basis so that its capital structure can consist of some long-term debt as well as equity capital. A range of fair rates of return on common equity for Respondent would be between 13 and 14 percent, and a range of fair rates of return on rate base for Respondent would be between 12 and 12.6 percent. Based upon all the evidence in this record, Respondent should be authorized to earn a rate of return on rate base of 12.37 percent, which will result in a rate of return on common equity of 13.5 percent. A rate of return on rate base of 12.37 percent is fair and reasonable, and it is necessary to maintain the financial integrity of the Respondent so that Respondent will be able to attract capital on a reasonable basis.

10. In order for Respondent to earn a 12.37 percent rate of return on rate base, Respondent needs a net utility operating income of \$11,796 ($95,357 \times .1237$). Respondent's actual test-year net operating utility income was \$7,667, which results in a net deficiency of \$4,129. To overcome this net deficiency, gross revenues have to be increased by \$7,185 because of the additional income taxes that will be incurred. A rate increase of \$7,185 would be fair and reasonable.

11. Respondent has proposed an adjustment for rate case expense incurred in connection with this proceeding. This amounts to an out-of-period adjustment; and, although undoubtedly a proper operating expense for this year, it cannot be considered as a proper adjustment to the test year, and it should be disallowed. It was not incurred in the test year, and there is no substantial evidence to establish that this would be reflective of constantly recurring expenses in the future.

12. Respondent has proposed to institute its rate increase by increasing all of its charges by an equal percentage. This would be a proper method to spread the rates in this case. In order to institute the rate increase here found to be fair and reasonable, each rate should be increased 24.12 percent.

13. Some of Respondent's consumers have complained about the rate design and have suggested that a metering system would be more equitable. The main problem with a metering system is the cost associated therewith. Meters cost approximately \$75 each, which does not include installation. Thus, it would cost in excess of \$20,000 just for the meters. The costs of a metering system would have to be borne by the ratepayers and would increase the amount paid by the ratepayers. Respondent is unable to finance such a project at this time.

14. There have been numerous complaints concerning the quality of the water Respondent provides to its consumers. At various times during the year the water is cloudy and is not very appealing. This causes problems for Respondent's consumers in that the water is not suitable for washing clothes and it is not appetizing to drink. Tests have been conducted on the water at various times, and there are no injurious substances in the water and the water is safe for human consumption even though it is cloudy. The main cause of the cloudiness is from turbulence in the water supply caused by spring runoff and storms so that particles become suspended in the water. Periods of cloudiness last for as long as ten days. The solution to this problem would be the installation of a rapid-sand filtration system. However, the cost of such a system would be approximately \$300,000, and the cost to the ratepayers would be in the neighborhood of \$300 per year, based on the fact there are 271 customers served by Respondent. This would be an exorbitant price to pay for clearing up this problem, and Respondent would be unable to finance such a project at this time.

Some of Respondent's customers have installed individual filters at their residences. It would be proper for Respondent to check into the costs associated with this type of installation and to make this information available to its consumers as a method of solving the cloudy water problem.

15. In the tariffs Respondent has filed, there is a provision for a 10 percent late-payment penalty. Late-payment penalties are against the policy of this Commission, and said provision should be eliminated from the tariffs.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The existing rates and charges of Respondent produce and will continue to produce revenues which are insufficient to produce a fair and reasonable rate of return for Respondent, and in the aggregate, the existing rates and charges are unjust and unreasonable.
2. The rates and charges proposed by Respondent under its Advice Letter No. 2 are higher than would be fair and reasonable, and said rates would not be just and reasonable, and said tariff sheets proposing same should be permanently suspended and canceled.
3. Respondent should be authorized to file new tariff sheets with rates and charges 24.12 percent higher than the existing rates and charges; and, in the aggregate, said rates would be just, reasonable, and not unjustly discriminatory.
4. The 10 percent late-payment penalty provision contained in the tariffs under suspension herein should be deleted from the tariffs.
5. Respondent should be authorized to make the changes set forth on Exhibit No. 9.
6. Pursuant to the provisions of 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff provisions and revisions filed by Respondent Cascade Public Service Company, pursuant to its Advice Letter No. 2 - Water, be, and hereby are, permanently suspended and canceled.
2. Respondent shall within thirty (30) days after the effective date of this Order file new tariff sheets with rates and charges that are 24.12 percent higher than the existing rates and charges to produce approximately \$7,185 of additional revenues, and said tariff sheets shall be in the same form as those permanently suspended and canceled by this Order. Said tariff sheets shall not contain a provision for a 10 percent late-payment penalty charge. Said tariff sheets shall be accompanied by a new Advice Letter and may be filed on one (1) day's notice. Said tariff sheets shall refer to the authorization of this Decision and state the effective date thereof.
3. Respondent be, and hereby is, authorized and directed to make the changes to its books and records as set forth on Exhibit No. 9 herein.
4. Investigation and Suspension Docket No. 967 be, and hereby is, closed.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF PROPOSED CHANGES IN TARIFF --) COLORADO PUC NO. 1 - ELECTRIC,) GRAND VALLEY RURAL POWER LINES,) INC., GRAND JUNCTION, COLORADO) 81501.)	INVESTIGATION AND SUSPENSION DOCKET NO. 984 RECOMMENDED DECISION OF JAMES K. TARPEY, EXAMINER ESTABLISHING NEW RATES
---	--

November 14, 1975

Appearances: Eugene H. Mast, Esq., Grand
Junction, Colorado, for
Respondent Grand Valley
Rural Power Lines, Inc.

PROCEDURE AND RECORD

On July 24, 1975, Grand Valley Rural Power Lines, Inc., ("Grand Valley" or "Respondent") filed with this Commission its Advice Letter No. 18, accompanied by a number of tariff sheets. On August 8, 1975, Grand Valley filed Advice Letter No. 18-Supplemental, accompanied by five tariff sheets which superseded five tariff sheets filed July 24, 1975.

As stated in the Advice Letters, the purposes of the tariff filing were as follows: (1) to increase electric revenues in the amount of \$136,169 or 9.3 percent (based upon the test year for the 12 months ended April 30, 1975); and (2) to implement certain changes in Respondent's rules and regulations. The proposed effective date for the filing was September 1, 1975, upon thirty days' notice.

Subsequent to the filing of the above tariffs, Grand Valley gave due and proper notice to all its customers, and four letters protesting the proposed increases were filed with this Commission.

By Decision No. 87368, dated August 19, 1975, the Commission set the above tariffs for a hearing to be held on Wednesday, October 22, 1975, at 10 a.m. in the Division I District Courtroom, Mesa County Courthouse, Grand Junction, Colorado, ordered that the above tariffs be suspended until March 29, 1976, or until further order of the Commission, and further ordered that Grand Valley file its exhibits, a list of its witnesses, and a summary of the testimony of said witnesses at least 15 days prior to the scheduled hearing. Grand Valley has duly filed the requested material.

After due and proper notice to all interested persons, firms, or corporations, the hearing was held as scheduled by Examiner James K. Tarpey, to whom the matter had been duly assigned. A. J. Letey and Lyle E. Shriver, employees of Grand Valley, and Max E. Kiburz II, Supervising Engineer with R. W. Beck & Associates, testified on behalf of Respondent. No customers of Grand Valley appeared to testify. Kent A. Teall of the Commission Staff appeared for the purpose of clarifying certain matters.

Exhibits 1 through 14 were offered and admitted into evidence. Also, Grand Valley's Advice Letter No. 18 was corrected to show that the revenue increase sought amounts to \$139,169 and not to \$136,169. At the conclusion of the hearing, Grand Valley was directed to file as a late-filed exhibit further data with regard to its expenses for advertising, donations, club dues, and association dues. This late-filed material has been duly received, is marked as Exhibit No. 15, and official notice is hereby taken of same.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner James K. Tarpey now transmits herewith to the Commission the record and exhibits of this proceeding, and a written recommended decision containing findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Grand Valley is a public utility, operating within the State of Colorado, engaged in the purchase, acquisition, transmission, and sale of electricity to its customers in the counties of Mesa, Garfield, and Delta.

2. The Commission has jurisdiction over Grand Valley and over the rates charged by Grand Valley for its retail sales of electricity.

3. The purposes of the increase of \$139,169 proposed by Grand Valley in this proceeding are to offset increased costs to Grand Valley of wholesale power rates by Colorado-Ute Electric Association, which rate increase has been approved by this Commission in Decision No. 87492, dated September 11, 1975, and to offset increased costs of operation.

4. The proper test period for the determination of the reasonableness of Grand Valley's retail electric rates is the 12 months ended April 30, 1975, which is the latest period for which complete data was available at the time this proceeding was instituted.

5. Grand Valley's average rate base for the test year ended April 30, 1975, totals \$2,850,247, and is comprised of the following items and amounts:

<u>Item</u>	<u>Amount</u>
Total Utility Plant, including Colorado-Ute property acquisition pro forma adjustments	\$3,988,669
Materials and Supplies	48,395
Prepayments	9,611
Cash Working Capital Requirements	121,173
Gross Rate Base	<u>\$4,167,848</u>
Deductions:	
Accumulated Depreciation	\$1,236,939
Consumer Advances	16,842
Contributions In Aid of Construction	63,820
Total Deductions	<u>\$1,317,601</u>
Net Original Cost Rate Base	<u>\$2,850,247</u>

6. Grand Valley's Net Operating Margin for the test year is \$23,410, which amount is developed as follows:

<u>Item</u>	<u>Amount</u>
Operating Revenues	<u>\$1,528,551</u>
Operating Expenses:	
Purchased Power	\$773,070
Transmission Expense	19,100
Distribution (Operating)	110,499
Distribution (Maintenance)	80,765
Customer Accounts	68,986
Sales Expense	17,147
Administrative and General	256,896
Total Operating Expenses	\$1,326,463
Other Expenses:	
Depreciation	117,733
Property Tax	44,017
Other Tax	15,072
Other Deductions	1,856
Total Other Expenses	\$ 178,678
Total Expenses	<u>\$1,505,141</u>
Net Operating Margin	<u>\$ 23,410</u>

The Net Operating Margin, as set forth above, is \$6,693 higher than that set forth in Respondent's exhibits. The difference results from the removal of the following items from Administrative and General Expenses: Sales Promotion Advertising - \$2,809; Institutional Advertising - \$2,165; Donations - \$964; and Club Dues - \$755. The removal of these items from expenses to be passed on to ratepayers is in accordance with this Commission's actions in other recent proceedings (See, e.g., Decision No. 87474, dated September 12, 1975).

7. The rate of return on average rate base for the test year is .82%.

8. Grand Valley obtains part of its necessary capital through the Rural Electrification Administration (REA). By letter dated July 21, 1975, the REA has advised Grand Valley that its Times Interest Earned Ratio and its Debt Service Coverage Ratio were declining; and, if such trend continued, would fall below levels set forth in its REA mortgage. If these ratios do, in fact, fall below said levels, Grand Valley will be ineligible for further financing through REA.

9. If Grand Valley is not granted a rate increase, the above ratios will in the near future fall below the limits set forth in its REA mortgage and its ability to obtain further financing in the future will be seriously impaired.

10. This Commission, in Decision No. 78921 (dated October 28, 1971), set a range of reasonable rates of return for electric cooperatives of 3.4% to 5.6%. This range was premised upon an embedded cost of debt of 2% and was designed to enable the electric cooperatives to achieve equity ratios of 30-45% with a 10 to 15 year period for patronage capital retention.

The low range for the reasonable rate of return is based upon the following assumptions: (1) equity constitutes 30% of total capital; (2) the embedded cost of debt is 2%; and (3) a 6.67% return on equity will allow patronage (equity) capital to be retained for a period of 15 years ($6.67\% \times 15 = 100\%$). Based upon these assumptions, the rate of return of 3.4% is developed as follows:

	<u>Ratio</u>	<u>Annual Rate</u>	<u>Composite Cost</u>
Debt	70%	2%	1.4%
Equity	30%	6.67%	2%
	<u>100%</u>		<u>3.4%</u>

The high range for the reasonable rate of return is based upon the following assumptions: (1) equity constitutes 45% of total capital; (2) the embedded cost of debt is 2%; and (3) a 10% return on equity will allow patronage (equity) capital to be retained for a period of 10 years ($10\% \times 10 = 100\%$). Based upon these assumptions, the rate of return of 5.6% is developed as follows:

	<u>Ratio</u>	<u>Annual Rate</u>	<u>Composite Cost</u>
Debt	55%	2%	1.1%
Equity	45%	10%	4.5%
	<u>100%</u>		<u>5.6%</u>

11. Applying the Commission's guidelines to Grand Valley, and recognizing Grand Valley's embedded cost of debt is 2.62%, results in a range of a reasonable rate of return on rate base for Grand Valley of 3.83% to 5.94%. This range is developed as follows:

Low Range:

	<u>Ratio</u>	<u>Annual Rate</u>	<u>Composite Cost</u>
Debt	70%	2.62%	1.83%
Equity	30%	6.67%	2.00%
	<u>100%</u>		<u>3.83%</u>

High Range:

	<u>Ratio</u>	<u>Annual Rate</u>	<u>Composite Cost</u>
Debt	55%	2.62%	1.44%
Equity	45%	10%	4.50%
	<u>100%</u>		<u>5.94%</u>

12. If Grand Valley is granted its proposed rate increase of \$139,169, its Net Operating Margin, based upon the test year, will be \$162,579, and its authorized rate of return on rate base will be 5.70%. This is within the Commission's guidelines as set forth in Decision No. 78921 and will enable Grand Valley to attain the goals set forth in that decision, as well as maintain its Times Interest Earned Ratio and its Debt Service Coverage Ratio at levels above those set as the minimum levels in its REA mortgage.

13. Grand Valley's proposal for spreading any rate increase is based, primarily, upon a cost of service study proposed by R. W. Beck & Associates. Other factors taken into account included interrelationship of existing rates, the type of customer, value of service, stability of service and rate structures of other utilities. Further, Grand Valley proposes to consolidate certain classes of service so as to more equitably charge customers for the services rendered and to simplify rate administration.

Commission Staff was in agreement with Grand Valley's proposal for spreading any rate increase.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Respondent's existing electric rates do not and will not in the foreseeable future produce a fair and reasonable rate of return to Respondent, and such existing rates in the aggregate are not just, reasonable, or adequate.

2. The tariffs filed herein by Respondent are just and reasonable and will enable Respondent to earn a rate of return which is fair and reasonable.

3. Respondent's proposal for spreading any rate increase is just and reasonable and not unduly discriminatory.

4. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

ORDER

THE COMMISSION ORDERS THAT:


1. The tariff sheets filed by Grand Valley Rural Power Lines, Inc., under its Advice Letter No. 18, be, and hereby are, established as just and reasonable rates and charges.

2. Investigation and Suspension Docket No. 984 be, and hereby is, closed.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vc
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF MOUNTAIN WEST CHARTERS, INC.,)	APPLICATION NO. 28743-AC
FOR A CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY TO OPERATE)	ORDER GRANTING LEAVE TO INTERVENE
AS A COMMON CARRIER BY FIXED WING)	
AIRCRAFT.)	

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 14, 1975, Monarch Aviation, Inc. by its attorney Anthony F. Prinster, filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above 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

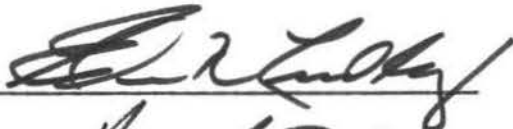
THE COMMISSION ORDERS THAT:

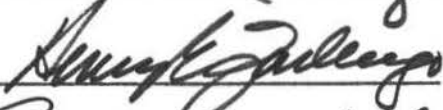
Monarch Aviation, Inc. be, and hereby is, granted Leave to Intervene in the above-entitled application.


This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

(Decision No. 87763)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD J. AND ARLENE B. WALLIS,)
DOING BUSINESS AS "WALLIS SCENIC)
TOURS," 2519 SOUTH BROADWAY, GRAND)
JUNCTION, COLORADO, FOR TEMPORARY)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 7102.)

APPLICATION NO. 28737-Extension-TA

ORDER GRANTING TEMPORARY AUTHORITY

November 18, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

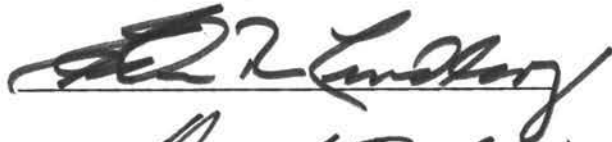
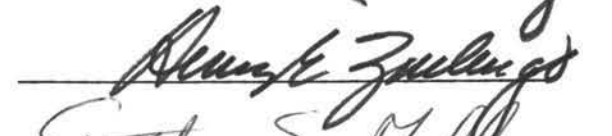

IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87763
November 18, 1975

Wallis Scenic Tours

Transportation of

Passengers and their baggage and equipment traveling with them

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

RESTRICTION: This temporary authority is restricted against the use of four-wheel drive vehicles.

(Decision No. 87764)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
Y-R BAR TRUCKING COMPANY, ROUTE 1,)
BOX 29, AULT, COLORADO, FOR TEMPO-)
RARY AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT NO.)
B-8152.)

APPLICATION NO. 28728-PP-Extension-TA

ORDER GRANTING TEMPORARY AUTHORITY

November 18, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and



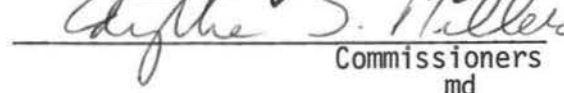
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87764
November 18, 1975

Y-R Bar Trucking Company

Transportation of

Sheep

Between points located within Weld County, State of Colorado, on the one hand, and points located within the County of Denver, State of Colorado, on the other hand.

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, Wilson Packing Company, Denver, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CITY TAXI, INC., 1401 MAIN AVENUE,)	APPLICATION NO. 28501-PP
P. O. BOX 1179, DURANGO, COLORADO,)	
FOR AUTHORITY TO OPERATE AS A CLASS)	ORDER OF THE COMMISSION
"B" CONTRACT CARRIER BY MOTOR)	
VEHICLE.)	

November 18, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

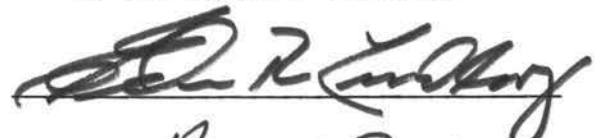


IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 87765
November 18, 1975

City Taxi, Inc.

Transportation -- in charter service -- of

Passengers and their baggage

Between the Tamarron Inn and Golf Club and the following-named points:
Mesa Verde National Park; Silverton, Colorado; Ouray, Colorado; Downtown
Durango, Colorado; Bar-D-Ranch and La Plata County Airport.

RESTRICTION: This Permit is restricted to rendering transportation service
for only the Tamarron Inn and Golf Club, P. O. Drawer 3131, Durango, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BEASLEY'S HOT SHOT SERVICE, INC.,)
5001 EAST MAIN, BOX 161, FARMINGTON,)
NEW MEXICO, FOR AUTHORITY TO LEASE)
A PORTION OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
2359 AND 2359-I, TO TANKS, INC.,)
DOING BUSINESS AS "TANKS, INC. OF)
NEW MEXICO," P. O. BOX 657, BRIGHTON,)
COLORADO.)

APPLICATION NO. 28587-Lease Portion
ORDER OF THE COMMISSION

November 18, 1975

Appearances: Richard S. Mandelson, Esq., Denver, Colorado
Attorney for Applicants

IT APPEARING, That by Notice of the Commission dated August 25, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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;

IT FURTHER APPEARING, That the herein matter is an application to lease that portion of Certificate of Public Convenience and Necessity PUC No. 2359 and 2359-I which provides for the

"Transportation of

- (1) Machinery, equipment, materials and supplies used in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products

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

- (2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines

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

- (3) Commodities, which because of size or weight require special equipment or special handling, and contractors equipment, materials and supplies, in a general transfer and cartage service

Between points within the city limits of Sterling, Colorado."

Wherefore, and good cause appearing therefor:

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

AND WE FURTHER FIND, That Lessee is fit, willing and able to properly engage in bona fide motor carrier operations under the portion of the authority to be leased 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 Beasley's Hot Shot Service, Inc., 5001 East Main, Box 161, Farmington, New Mexico, be, and is hereby, authorized to lease that portion of Certificate of Public Convenience and Necessity PUC No. 2359 and 2359-I which provides for the following:

"Transportation of

- (1) Machinery, equipment, materials, and supplies used in or in connection with, the discovery, development, production, refining, manufacturing, processing, storage, transmission and distribution of natural gas and petroleum and their products and by-products

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

- (2) Machinery, materials, equipment and supplies used in or in connection with the construction, operation, repair, servicing, maintenance and dismantling of pipe lines, including the stringing and picking up thereof, except the stringing or picking up of pipe in connection with main or trunk pipe lines

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

- (3) Commodities, which because of size or weight require special equipment or special handling, and contractors equipment, materials and supplies in a general transfer and cartage service

Between points within the city limits of Sterling, Colorado."

to Tanks, Inc., doing business as "Tanks, Inc. of New Mexico," P. O. Box 657, Brighton, Colorado, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That said lease shall become effective only if and when, but not before, said Lessee and Lessor, in writing, have advised the Commission that said Certificate has been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them or either of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty days from the effective date of this Order shall automatically revoke the authority herein granted to make the lease, 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 tariff of rates, rules and regulations of Lessor shall, upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Lessee 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 Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87767)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WYCOFF COMPANY, INC., 560 SOUTH 3RD)
STREET WEST, SALT LAKE CITY, UTAH,)
FOR TEMPORARY AUTHORITY TO OPERATE)
AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28707-TA
ORDER DENYING TEMPORARY AUTHORITY




November 18, 1975

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 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87768)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28576-PP
ANTHONY JAMES HOLZMAN, DOING BUSINESS)	
AS "MOUNTAIN T.V.," 424 NORTH LINCOLN,	)	RECOMMENDED DECISION OF
LOVELAND, COLORADO, FOR A CLASS "B"	)	ROBERT L. PYLE, EXAMINER
PERMIT TO OPERATE AS A CONTRACT CARRIER)	
BY MOTOR VEHICLE FOR HIRE.	)	GRANTING APPLICATION

- - - - -
November 17, 1975
- - - - -

Appearances: H. Conway Gandy, Esq., Fort
Collins, Colorado, for Anthony
James Holzman, doing business
as "Mountain T.V." Applicant,
Joseph F. Nigro, Esq., Denver,
Colorado, for Weicker Transfer
& Storage Co., Protestant.

PROCEDURE AND RECORD

The above-entitled application was filed with the Commission on July 28, 1975, and requests for temporary and emergency temporary authority were granted by the Commission in Decision No. 87360, dated August 19, 1975, and Decision No. 87477, dated September 16, 1975. The Commission assigned Docket No. 28576-PP to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

A protest was duly filed by Weicker Transfer & Storage Co. under its Certificate of Public Convenience and Necessity No. 4445; however, prior to the commencement of the hearing, Applicant moved to amend its application so as to limit its authority to transport commodities only where uncrating and installation are required at the customer's premises. The amendment being restrictive in nature and not changing the substance of the application was accepted and the Protestant withdrew its protest. The matter therefore proceeded as a noncontested application.

After due and proper notice to all interested parties, the application was set for hearing on Tuesday, November 4, 1975, at 10 a.m. in the Auditorium of the Larimer County Courthouse, 200 West Oak Street, Fort Collins, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

No exhibits were offered; however, notice was taken of Applicant's financial statement and equipment list, as well as the five supporting letters by shippers that were attached to the application and are in the official file. Testimony was taken from the Applicant; and, at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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 under the name of "Mountain T.V." He operates out of offices in Loveland, Colorado, and operates a television service and repair business. Applicant has three and one-half years experience in the business of service and repair, as well as the moving and setting up of appliances for the public. He works in the business himself and also employs three persons to assist him. This will not be a part-time business, but the transportation of the commodities will be combined with the service and repair work so as to make it a full time operation.
2. By this application as amended, Applicant seeks a Class "B" contract carrier permit to transport for hire television sets, radios, stereos, electronic equipment and accessories, washers, dryers, stoves, ranges, dishwashers, freezers, refrigerators, and trash compactors, between all points within the County of Larimer, State of Colorado, RESTRICTED to the transportation of commodities wherein uncrating and installation are required at the customer's premises and to rendering service for only four (4) named customers: K-Mart Store No. 4471, Downing's Corp., Tolliver's, Inc., and Goodyear Tire & Rubber Co. Service Stores.
3. Applicant has a net worth pursuant to the balance sheet filed with the application of \$36,499.34. He will operate two pieces of equipment; namely, a 1968 Dodge Van and a 1969 Volkswagen Van. These vehicles are adequately insured, and Applicant's net worth and equipment are suitable for the operation of the authority.
4. In soliciting the named customers, Applicant found that in most instances members of the public, who purchase the named commodities, want them immediately and also wish to have them installed and operative immediately following delivery. The named customers also state that the customer purchasing such equipment will demand that installation be performed in conjunction with delivery, both for the sake of convenience, and in many instances, actual need. In some cases the sale of the commodity will depend upon the installation in conjunction with delivery, and if the store cannot provide such installation, the customer is apt to shop elsewhere.
5. There is a present and special need for service such as here proposed, and common carriers operating in the area do not provide installation in conjunction with delivery; so, unless such installation is made, the retail seller of the commodity or the purchaser must arrange for installation after the delivery of the commodity.
6. Applicant is familiar with the rules and regulations of this Commission and will abide by said rules and regulations including entering into contracts with these customers.
7. 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 proposed operation will not impair the efficient public service of any authorized common carrier adequately serving the same territory over the same general route or routes.
2. Applicant intends to and will provide a specialized service fulfilling a special need for the named customers.
3. Applicant is fit, willing, and able to operate the authority.
4. The application should be granted as hereinafter set forth.
5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

ORDER

THE COMMISSION ORDERS THAT:

1. Application No. 28576-PP be, and hereby is, granted.
2. Anthony James Holzman, doing business as "Mountain T.V.," 424 North Lincoln, Loveland, Colorado, be, and hereby is, authorized to operate as a Class "B" contract carrier by motor vehicle for hire for the following:

Transportation of

Television sets, radios, stereos, electronic equipment and accessories, washers, dryers, stoves, ranges, dishwashers, freezers, refrigerators, and trash compactors

Between all points within the County of Larimer, State of Colorado.

RESTRICTIONS: This authority is restricted as follows:

1. To rendering transportation service for only the following named customers:
 - (a) K-Mart Store, No. 4471, 2445 South College Avenue, Fort Collins, Colorado;
 - (b) Downing's Corp., 2716 South College Avenue, Fort Collins, Colorado;
 - (c) Tolliver's, Inc., 117 North Mason Street, Fort Collins, Colorado; and
 - (d) Goodyear Tire & Rubber Co. Service Stores, 221 East Mountain Avenue, Fort Collins, Colorado,
2. To the transportation of commodities requiring uncrating and installation at the customer's premises,

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

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

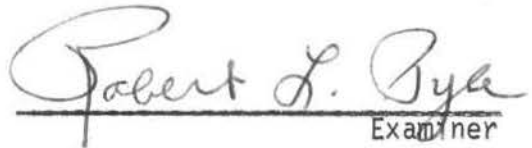
4. This Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of his customers, the necessary tariffs, required insurance, and has secured authority sheets.

5. The right of Applicant to operate hereunder shall depend upon his compliance with all 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

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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.)	

November 17, 1975

Appearances: Ralph Knull and Philip Smith,
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 October 15, 1975. The matters were duly called for hearing pursuant to such notice on Monday, November 3, 1975, 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 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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 an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated herein as required by the Public Utilities Laws 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 file an Annual Report with the Commission, and failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

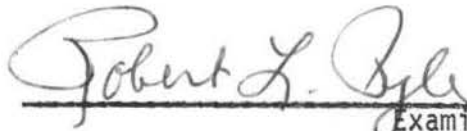
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 Annual Report 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
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Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Lindsey, James K. 270 California Sterling, Co. 80751	B-7042	AR-1013
Lloyd, Sidney D., Trucking P. O. Box 249 Palisade, Co. 81526	B-6984	AR-1015
Norman L. Christenson, dba Lowell Excavating Company 2136 Harlan St. Edgewater, Co. 80214	B-7164	AR-1017
McStain Corporation 1300 Canyon Blvd. Boulder, Co. 80302	B-7192	AR-1023
Madrid, James 981 Elbert Street Denver, Co. 80221	B-7183	AR-1024
Michiana Lumber & Supply, Inc. P. O. Box 1066 Montrose, Co. 81401	B-7800	AR-1027
Middle Park Land & Cattle Company 5660 South Syracuse Circle Englewood, Co. 80110	B-7813	AR-1028
James D. Gallagher & Raymond N. Gilbert, dba Midexco Construction 4101 West 50th Ave. Denver, Co. 80212	B-8150	AR-1029
Mitchell, Robert G. 7320 Granada Rd. Denver, Co. 80221	B-7632	AR-1031
Morgan, Paul C. 225 Harrison Avenue Loveland, Co. 80537	B-8034	AR-1036
Mountain States Towing Company, Inc. 5385 Newport Street Commerce City, Co. 80022	B-2627	AR-1037
Murphy, Jack N. & Darlene 686 Westcliffe Grand Junction, Co. 81501	B-6370&I	AR-1038

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

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Murray, George A. 337 South Queen Circle Lakewood, Co. 80226	B-8240	AR-1039
Muzzy, E. F. P. O. Box 813 Montrose, Co. 81401	B-6473	AR-1040
Nichols, Art, Construction 3575 Main Durango, Co. 81301	B-6948	AR-1042
Nielsen, Arthur 6077 Flower Street Arvada, Co. 80002	B-6807	AR-1043
Norman & Sipple, Inc. Box 301 Yuma, Co. 80759	B-3768	AR-1045
O'Brien, John J. 5380 Tennyson St. Denver, Co. 80212	B-7730	AR-1048
P&R Trucking 6496 Broadway Denver, Co. 80203	B-7622	AR-1049
Palmer, Perle J. 8041 Stuart Street Westminster, Co. 80030	B-3464	AR-1050
Pardoe, James 8491 Allison Court Arvada, Co. 80002	B-8239	AR-1051
Pate, Dellas Box 371 Walden, Co. 80480	B-5087	AR-1053
Patton, Carl 1058 McKinley Fort Lupton, Co. 80621	B-8187	AR-1054
L. L. Satterfield, dba Pat's Construction Company Box 16 Edwards, Co. 81632	B-7147	AR-1055
Pedigo, Gary E. 7727 Osceola Street Westminster, Co. 80030	B-7568	AR-1056

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

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Robert I. Perrin, dba Perrin, Bob, Trucking 2200 West Oxford Sheridan, Co. 80110	B-7839	AR-1057
Peterson, Ernest L. 12963 Hillcrest Drive Longmont, Co. 80501	B-6096	AR-1060
Powell, Ira L. Box 216 Walden, Co. 80480	B-3436	AR-1064
Powers Construction Company Box 453 Vail, Co. 81645	B-4472	AR-1066
Quintana, Isidoro O. Box 281 Minturn, Co. 81645	B-7314	AR-1068
Leon Rediger, dba R.E.D.S. 2826 Carmel Circle Colorado Springs, Co. 80910	B-5491	AR-1069
Robert L. DeQuasie, dba R & L Trucking 1212 Bowen Circle Longmont, Co. 80501	B-8000	AR-1070
Merle A. Roberts, dba R&M Hauling Box 232 Broadway Elizabeth, Co. 80107	B-8109	AR-1071
Raets Transit Company P. O. Box 337 Dillon, Co. 80435	B-8101	AR-1072
Phillip Heaton & George Johnson, dba Ramada Inn Denver Foothills 11595 West 6th Avenue Lakewood, Co. 80215	B-8278	AR-1073
Ratcliffe, Keith L. RR #4, Box 121 Greeley, Co. 80631	B-8234	AR-1074
Redden, Paul C. 401 North Iowa Gunnison, Co. 81230	B-8386	AR-1075

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

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Reed & Son 1920 Adams La Junta, Co. 81050	B-8084	AR-1076
Ribelin, George, Logging Company 1020 East Lake Street Fort Collins, Co. 80521	B-7364	AR-1079
Savage Brothers, Inc. 842 Green Street Craig, Co. 81626	B-6167	AR-1083
Schmalz, Joe P. Route 2, Box 108 Delta, Co. 81416	B-5383	AR-1087
Scott, Arthur Z. Box 203 Granby, Co. 80446	B-6045	AR-1089
Serviss, Russel Route 4, Box 509 Pueblo, Co. 81004	B-7558	AR-1090
Sessions, Glenn E., & Sons, Inc. P. O. Box 29 Merino, Co. 80741	B-8115	AR-1091
Shaw, Samuel J. & Vera B. P. O. Box 791 Dolores, Co. 81323	B-5648	AR-1093
Shupe Brothers Company Corporation 2600 Bypass Greeley, Co. 80630	B-4641	AR-1098
Simmons, A. O. Route 2 Mancos, Co. 81328	B-7242	AR-1099
Slattery, Emil R. Route 3 Sterling, Co. 80751	B-8311	AR-1100
Smith, Donald G., Excavating, Inc. 4960 East Pearl Boulder, Co. 80302	B-4277	AR-1102
Smith, Frank E. Eckley, Co. 80727	B-6856	AR-1103

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

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Smith, Robert A. 9160 West 91st Ave. Broomfield, Co. 80020	B-8128	AR-1104
Kenneth E. Smith, dba Smith Trucking 901 South Ironton Aurora, Co. 80012	B-7921	AR-1105
Solema, Raymond Paul 6730 Allison Street Arvada, Co. 80004	B-7497	AR-1106
Stout, Herbert 308 Cedar St. Buena Vista, Co. 81211	B-6812	AR-1107
Szulczewski, Rodney 8237 West Mexico Avenue Lakewood, Co. 80227	B-8280	AR-1109
Tatro, William H., Jr. Box 917 214 Harris Breckenridge, Co. 80424	B-8132	AR-1111
Tayvel Construction Company P. O. Box 763 314 East Hanson Ranch Road Vail, Co. 81657	B-8133	AR-1112
Thomas, Charles L. P. O. Box 1205 Adams City, Co. 80001	B-7210	AR-1114
Thompson, Paul D. Route 2, Box 568 Golden, Co. 80401	B-8090	AR-1115
Toler, Robert S. Route 1 Falcon Peyton, Co. 80831	B-8390	AR-1117
Vigil, Eulalio Ed 4700 Leaf Court Denver, Co. 80216	B-7755	AR-1123
Wally's Excavating, Inc. 7521 Decatur Westminster, Co. 80030	B-8318	AR-1126

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

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Weber's Truck Service 1136 Van Buren Pueblo, Co. 81001	B-7486	AR-1128
Wells Brothers Trucking R. R. #1, Box 160 Brighton, Co. 80601	B-7366	AR-1129
Williams, Willie A. Box 224 Kremmling, Co. 80459	B-6180	AR-1132
Woolley, Larry A. Box 487 Basalt, Co. 81621	B-7283	AR-1134
Donald P. Clemmer & DuWayne E. Boudin, dba Clemmer Excavating P. O. Box 7232 Pueblo, Co. 81007	B-7758	AR-1138
Love, Fred A. 3941 West 35th Avenue Denver, Co. 80212	B-5374	AR-1016

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
COMMON AND CONTRACT CARRIERS LISTED
ON "APPENDIX A" HERETO,
Respondents.)

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

November 17, 1975

Appearances: Ralph Knull and Philip Smith,
Denver, Colorado, of the
Staff of the Commission; and
Thomas McLaughlin, Colorado
Springs, Colorado, on behalf
of Ace Disposal Service, Inc.,
Respondent.

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 October 10, 1975. The matters were duly called for hearing pursuant to such notice on Monday, November 3, 1975, 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 on "Appendix A" hereto appeared at the hearing, except as noted in the "Appearances" above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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 an Annual Report filed with the Commission by each of the Respondents listed in "Appendix A" hereto, and by reference incorporated hereinto as required by the Public Utilities Laws of this state and the Rules and Regulations of this Commission.

2. The said Respondents, and each of them, with the exception of the above-mentioned Respondent, 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 file an Annual Report with the Commission, and/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, 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 Annual Report 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

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(Decision No. 87770)

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC/PERMIT NO.</u>	<u>CASE NO.</u>
Western Disposal, Inc. 4960 East Pearl Street Boulder, Co. 80301	3717 4340	AR-1139
Ace Disposal Service, Inc. P. O. Box 1234 Colorado Springs, Co. 80901	2180	AR-753 AR-1143

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

(Decision No. 87771)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28459-Extension
COLORADO MOVING AND STORAGE, INC.,)	
4760 HOLLY STREET, DENVER, COLORADO,)	RECOMMENDED DECISION OF
FOR A CERTIFICATE OF PUBLIC CONVEN-)	ROBERT E. TEMMER, EXAMINER
IENCE AND NECESSITY AUTHORIZING)	
EXTENSION OF OPERATIONS UNDER PUC)	DENYING APPLICATION
NO. 3382.)	

November 19, 1975

Appearances: John H. Lewis, Esq.,
Denver, Colorado,
for Colorado Moving
and Storage, Inc.,
Applicant;
Kenneth R. Hoffman, Esq.,
Denver, Colorado, for
Whitt Transfer and Storage
Co. and Weicker Transfer and
Storage Company, Protestants.

PROCEDURE AND RECORD

On June 24, 1975, Colorado Moving and Storage, Inc., hereinafter referred to as Applicant, 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. 28459-Extension to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Protests were filed by Wells Fargo Armored Service Corporation; Cowen Transfer & Storage Co.; Dalby Transfer & Storage, Inc.; Weicker Transfer & Storage Company; and Whitt Transfer and Storage Co.

The application was set for a hearing to be held on Friday, October 24, 1975, at 10 a.m. in the Federal Building, Fifth and Main, Pueblo, Colorado. Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held at the said time and place by Robert E. Temmer, Examiner, to whom the matter had been duly assigned.

As preliminary matters to the hearing, a restrictive amendment to the application was tendered, and a Motion for Continuance was heard. The proposed restrictive amendment, being clearly restrictive in nature and not affecting the substance of the application, be, and hereby is, accepted. The proposed amendment was marked as Exhibit No. 1. The motion for a continuance was denied. Exhibits 1 through 14 were marked for identification. Exhibits 1 through 12 were admitted into evidence. Exhibit 13

was withdrawn. Exhibit 14 was admitted in part, the paragraph at the top of the Exhibit being rejected and stricken. Permission was given to file as a late-filed Exhibit, corrected "comparative figures," and said Exhibit was filed on November 3, 1975, and has been designated as late-filed Exhibit 13, which is now admitted in evidence and included in the record herein. Official notice was taken of the official file in Case No. 5628, as of the date of hearing. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, 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 a corporation.
2. Applicant in this matter proposes to operate a public utility as defined in Title 40, CRS 1973.
3. This Commission has jurisdiction over the Applicant and the subject matter of this proceeding.
4. Applicant holds previously granted authority from this Commission under Certificate of Public Convenience and Necessity PUC No. 3382, which provides as follows:

"Transportation -- on call and demand -- of

General commodities

Between all points located within a ten (10) mile radius of the corner of 5th and Main Streets, Pueblo, Colorado."

This is the authority for which Applicant has applied for an extension. Applicant also holds Certificate of Public Convenience and Necessity PUC No. 416 and PUC No. 416-I and temporary authority from this Commission to operate Certificate of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I.

5. Applicant owns sufficient equipment and will acquire more equipment, if the need arises, and has sufficient experience and net worth, all of which are ample and suitable for the operation of the authority applied for herein.

6. Applicant is familiar with the rules and regulations of this Commission. Exhibit No. 5 admitted in evidence herein is a list of shipments handled by Applicant. These shipments were transported pursuant to "Emergency Letters" purportedly under the authority of Certificate of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I. The

procedure used for these transportation services was that Applicant acquired a number of blank Emergency Letter forms that had been signed by an officer of the corporation that owns Certificate of Public Convenience and Necessity PUC No. 453 and PUC No. 453-I. Whenever a request was made to Applicant for service it could not perform pursuant to its own authority, an Emergency Letter was filled out, and the shipment was handled pursuant to PUC No. 453. This raises a substantial question as to Applicant's fitness in this proceeding because it appears this method may have been used as an artifice to get around the Rules and Regulations of this Commission and the Public Utilities Law of this State.

7. Protestants Whitt Transfer and Storage Co. and Weicker Transfer and Storage Company each hold authority from this Commission which would conflict with the extension that is sought by the Applicant. Each of the Protestants actively solicits business and holds itself out to serve the public. The operating revenues of these carriers have decreased recently and each of these carriers has excess capacity and each could and would handle more business if it were tendered to them.

There is a need for service in the area Applicant seeks authority to serve. However, this need is being met by the existing carriers and there is no substantial evidence of record to show that there is any need for additional competition in the area. The evidence establishes that introducing another carrier into the area would tend to divert revenues from the existing carriers and thereby hamper their ability to continue to serve. There is no substantial evidence in the record to establish that an additional carrier would improve the quality of service available to the public. Additional competition would not be in the public interest.

8. Applicant failed to prove that the present or future public convenience and necessity would require or will require the granting of the authority requested, and the granting of the application would not be in the public interest.

CONCLUSION ON FINDINGS OF FACT

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

1. Application No. 28459-Extension should be denied.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28459-Extension, being an application of Colorado Moving and Storage, Inc., 4760 Holly Street, Denver, Colorado, for authority to extend operations under Certificate of Public Convenience and Necessity PUC No. 3382, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

jp

(Decision No. 87772)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CONTINENTAL TELEPHONE COMPANY OF UTAH,)	
A UTAH CORPORATION, FOR AUTHORITY (a))	
TO ALLOW THE MERGER OF CONTINENTAL)	
TELEPHONE COMPANY OF UTAH INTO CONTI-)	
NENTAL TELEPHONE COMPANY OF THE WEST,)	
AN ARIZONA CORPORATION, AND (b) TO	)	APPLICATION NO. 28727
CARRY OUT ALL OTHER TRANSACTIONS IN)	
CONNECTION WITH SAID MERGER, INCLUDING)	
THE ASSIGNMENT OF CERTIFICATES OF PUBLIC	)	ORDER OF THE COMMISSION
CONVENIENCE AND NECESSITY, AND OPERATING)	
RIGHTS AUTHORIZING THE CONSTRUCTION AND)	
OPERATION OF TELEPHONE COMPANIES)	

- - - - -
November 18, 1975
- - - - -

PROCEDURE AND RECORD

BY THE COMMISSION:

Under date of October 24, 1975, Continental Telephone Company of Utah, hereinafter referred to as Utah or as Applicant, filed the above entitled Application with this Commission requesting an Order authorizing (a) the merger of Applicant into Continental Telephone Company of the West, hereinafter referred to as Continental, and (b) carrying out all other transactions in connection with said merger, including the assignment of Certificates of Public Convenience and Necessity and operating rights authorizing the construction and operation of telephone companies.

The Commission assigned Docket No. 28727 to the Application. On October 24, 1975 the Applicant filed a Motion requesting the Commission to authorize a hearing on the proposed merger on ten days' notice.

The Commission finding good cause existed for the granting of the Motion, granted said Motion on October 28, 1975.

The Commission, by notice dated October 29, 1975, set the within matter for hearing on Wednesday, November 19, 1975 in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman St., Denver, Colorado, at 1:30 o'clock p.m.

No protests, objections or petitions for leave to intervene were received within ten (10) days after the date of the notice.

Pursuant to law the Commission has determined that a hearing on the Application is not necessary and, by Order dated November 13, 1975, vacated the hearing and ordered that the matter should be handled under the Commission's modified procedure.

FINDINGS OF FACT

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

1. Utah is a corporation organized and existing under the laws of Utah, is authorized to do business in Colorado, and is a public utility and a telephone corporation as those terms are defined in the public utilities laws of Colorado. Utah's operations are conducted within both the States of Utah and Colorado; the State of Utah operations being more than 98% of Utah's business. Utah holds a Certificate of Convenience and Necessity issued by this Commission to Midland Telephone Company pursuant to Decision No's 84067, 84217, and 86112. Said certificate authorizes Utah to render communications service to the public in a service area within the State of Colorado which is particularly described in said Decisions, and over toll routes by interconnection with other like utilities. A copy of the Articles of Incorporation of Utah is on file with the Commission. Utah's principal office is at Tremonton, Utah and its mailing address is 18 E. Main St., Post Office Box 338, Tremonton, Utah, 84337.

2. Continental Telephone Company of the West (Continental) is a corporation organized and existing under the laws of Arizona, is a public utility and a telephone corporation as those terms are defined in the public utilities laws of Colorado. Continental's operations are conducted within the States of Arizona, New Mexico, Texas, and Colorado, with 99% of said operations being outside of the State of Colorado. Continental holds operating rights issued by this Commission pursuant to Decision No. 72422. Said operating rights authorize Continental to render communications services to the public in the service area within the State of Colorado, which is particularly described in said Decision and over toll routes by interconnection with other like utilities. A copy of the Articles of Incorporation of Continental is on file with the Commission. Continental's principal office is at 3033 N. Central Avenue, Phoenix, Arizona, 85012, and its mailing address is 3033 N. Central Avenue, Phoenix, Arizona, 84012.

3. Applicant proposes to enter into an Agreement and Plan of Merger whereby Applicant would merge into Continental, the latter corporation to survive, and Applicant's separate existence would cease on the merger date.

4. The proposed merger of Applicant and Continental would result in (a) increased operating efficiencies, (b) that a savings would result from having only one audit and toll settlement cost study, (c) administrative efficiencies, and (d) enhanced ability to raise capital.

5. Continental Telephone Corporation, a Delaware corporation, owns 100% of the outstanding common stock of Continental, and owns 99.9% of the outstanding common stock of Applicant.

6. Continental as the surviving corporation is to be, by operation of the merger agreement and by operation of law, possessed of all properties and rights of the Applicant and is to assume all the liabilities and obligations of same, including the right and obligation to serve as a telephone corporation in accordance with

the law and its Certificates of Public Convenience and Necessity.

7. The present level of service would not be reduced by a change in corporate entity; that books and records of the surviving corporation will be kept in accordance with the Uniform Systems of Accounts as prescribed by this Commission and in such manner that the items applicable to its Colorado operations may be readily ascertained; that the existing rates and tariffs of Applicant will be adopted by the surviving corporation in accordance with Rule 23 of the Rules of Practice and Procedure of this Commission.

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

9. The proposed merger of Applicant herein is not inconsistent with public interest.

10. The assignment of operating rights and the Certificate of Public Convenience and Necessity of Applicant resulting from the above described merger is not inconsistent with the public interest and should be authorized.

11. Upon consummation of the merger as above described, Continental will be a public utility engaged in the business of providing telephone service in the State of Colorado and subject to the jurisdiction of this Commission.

12. An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Consent to and approval of the merger of Continental Telephone Company of Utah and Continental Telephone Company of the West in accordance with the proposed Agreement and Plan of Merger be, and hereby is given, subject to the Applicant submitting proof to this Commission that all legal and other requirements have been met.

2. The Certificates of Public Convenience and Necessity heretofore transferred to Applicant pursuant to Decision No's 84067, 84217, and 86112 will be transferred to Continental Telephone Company of the West.

3. The surviving corporation shall adopt the rates and tariffs of Applicant on file with this Commission in accordance with Rule 23 of the Rules of Practice and Procedure within 30 days of the effective date of such merger; provided, however, that such rates and tariffs may be subsequently changed in accordance with Rule 17.

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

5. Within ninety (90) days after the effective date of said merger, Continental shall submit to the Commission the accounting entries which it has made to effect said merger upon its books and records in conformance with the Uniform System of Accounts prescribed for telephone companies.

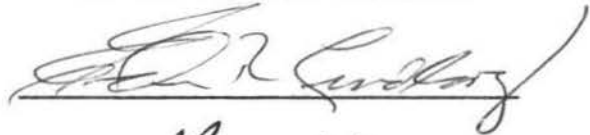
6. There shall be filed with the Commission a final report (in the form prescribed for Annual Reports) for Continental Telephone Company of Utah for that portion of 1975 in which it separately existed as a subsidiary of Continental Telephone Corporation, which final report shall be submitted on or before March 31, 1976.

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

8. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
b1f

(Decision No. 87773)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

EUGENE SMITH AND
RIPPLE SMITH,

Complainants,

vs.

PUBLIC SERVICE COMPANY OF
COLORADO, A COLORADO CORPO-
RATION, AND HOWARD BISHOP
AND CO., A COLORADO CORPO-
RATION,

Respondents.

CASE NO. 5630

ORDER GRANTING DISMISSAL OF COMPLAINT

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 26, 1975, Complainant herein filed a Complaint against Public Service Company of Colorado and Howard Bishop and Co.

On September 26, 1975, an Order to Satisfy or Answer was directed to Public Service Company of Colorado and Howard Bishop and Co.

On November 10, 1975, the Complainants filed a request to dismiss the above-captioned Complaint.

The Commission states and finds that good cause exists and that the within Complaint should be dismissed.

An appropriate order will be entered.



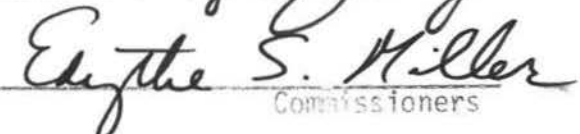
ORDER

THE COMMISSION ORDERS THAT:

1. Case No. 5630 be, and hereby is, dismissed.
2. The hearing set for January 16, 1976 be, and hereby is, vacated.
3. This order shall become effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 87774)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
PUBLIC SERVICE COMPANY OF COLORADO)
FOR AN ORDER AUTHORIZING IT TO EFFECT)
CERTAIN UPWARD REVISIONS IN ELECTRIC)
RATES UPON LESS THAN STATUTORY NOTICE.)

APPLICATION NO. 28765

ORDER OF THE COMMISSION
AUTHORIZING UPWARD REVISION
OF ELECTRIC RATES

- - - - -
November 18, 1975
- - - - -

S T A T E M E N T

BY THE COMMISSION:

On November 13, 1975, Public Service Company of Colorado, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on November 21, 1975, tariffs resulting in an increase to its existing electric rates now on file with this Commission. Applicant states that its proposed increase in electric rates is to reflect its increased cost of fossil fuel used in the generation of electricity and that it is unjust and unreasonable to require the Applicant to absorb such increased costs.

The proposed tariffs which are attached to the application herein affect all of Applicant's customers.

F I N D I N G S O F F A C T

THE COMMISSION FINDS:

1. Applicant generates and distributes electrical energy to residential, commercial, industrial and public consumers within its certificated areas within the State of Colorado.
2. This Commission has no jurisdiction over the rates charged or prices set by Applicant's suppliers of fuel for the generation of electricity.
3. Applicant's average fuel cost during the month of October 1975 was 64.7304¢ per million Btu and during said month 96.4194% of Applicant's electricity was generated by the consumption of said fossil fuel.
4. Applicant's present tariffs, excluding the fuel cost adjustment, are based on a fossil fuel cost of 57.0¢ per million Btu.
5. Applicant's proposed fuel cost adjustment is based on a fossil fuel cost of 64.7304¢ per million Btu, and, if made effective, will produce additional annual revenues to Applicant above Applicant's current fuel cost adjustment of \$5,693,000.

6. Applicant's proposed fuel cost adjustment substantially reflects its increased cost of fossil fuel obtained from Applicant's suppliers for use in Applicant's generating stations.

7. The filing of this application was brought to the attention of Applicant's affected customers by publication in The Denver Post and The Rocky Mountain News, newspapers of general circulation in the areas affected.

8. The proposed tariffs are just, reasonable and non-discriminatory.

9. For each day on and after November 21, 1975, that Applicant's proposed tariffs are not in effect, Applicant will have to absorb an unrecovered increase in cost of electricity amounting to \$15,597.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to increase rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1. A.5. of the Rules of Practice and Procedure before this Commission.

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

3. Good cause exists for the Commission to allow the proposed increases on less than thirty (30) days' notice.

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Public Service Company of Colorado be, and hereby is, authorized to file on not less than one (1) day's notice, the tariffs attached hereto as Appendix "A" and made a part hereof.

2. In the event Applicant's fuel cost per kwh decreases below that upon which its present fuel cost tariff is based, Applicant shall notify the Commission forthwith of such decrease and shall file an application, with accompanying tariffs, to reflect such fuel cost reduction.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS.

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

Public Service Company on November 13, 1975, filed an application requesting that it be authorized to file to become effective on not less than one day's notice certain tariffs attached thereto. If it had filed such tariffs to become effective on 30 days' notice as required by the statute without resorting to the short notice procedure permitted if "good cause" be shown, the said tariffs would have become effective on December 13, 1975, rather than on November 21, 1975; or, would have become effective 22 days later than they are now being allowed to become effective and the utility would have had to absorb \$343,134 ($\$15,597^1 \times 22 = \$343,134$).

The total annual gross operating revenues of the Electric Department of Public Service Company was \$251,240,866² for the year ending March 31, 1975. A reduction of \$343,134 in such total gross operating revenues, or a reduction of 1/10 of 1% of its gross operating revenues, cannot reasonably be held to cause "substantial harm to the Applicant" as the Majority found, nor does it constitute "good cause shown" to allow the increases to become effective on less than 30 days' notice as required by the statute.

Unless a strict approach be taken in allowing rate increases to offset fuel cost increases the incentive of the utility to avoid fuel cost increases in whole, or in part, is destroyed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner
hbp

-
1. Finding No. 9, Decision herein.
 2. Decision No. 87474, Finding No. 10.

PUBLIC SERVICE COMPANY OF COLORADO

Second Revised Sheet No. 280

First Revised Cancels Sheet No. 280

ELECTRIC RATESFUEL COST ADJUSTMENT

The monthly bill for electric service will be, subject to application to The Public Utilities Commission of the State of Colorado in accordance with Decision No. 87640, increased or decreased by an appropriate amount per kilowatt hour as determined by the summation of the fossil fuel cost adjustment and the nuclear fuel cost adjustment as set forth in the following:

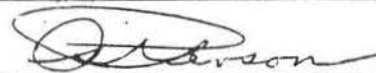
- (a) The fossil fuel cost adjustment shall be one hundred twenty-one one-thousandths of one mill (\$0.000121) per kilowatt hour for each one cent (\$0.01) unit, with units calculated four decimal places, by which the cost of fossil fuels used at the Company's generating plants for the calendar month preceding that month in which the monthly billing cycle is initiated is above or below fifty-seven cents (\$0.570) per million BTU. Such cost shall be the weighted average cost to the Electric Department of fossil fuels for the generation of electric energy during said period at said generating plants, and shall include all costs incident to the delivery thereof. The increase or decrease so determined will be reduced by the ratio that the non-fossil fuel generated energy bears to the total net generated and purchased energy.
- (b) The nuclear fuel cost adjustment shall be ten thousand six hundred seventy-one one-thousandths of one mill (\$0.010671) per kilowatt hour for each one cent (\$0.01) unit, with units calculated four decimal places, by which the cost of nuclear fuel used at the Company's generating plants for the calendar month preceding that month in which the monthly billing cycle is initiated is above or below one thousand seven hundred twenty-eight ten-thousandths of one cent (\$0.001728) per net nuclear generated kilowatt hour. Such costs shall be the weighted average cost to the Electric Department of nuclear fuels for the generation of electric energy during said period at said generating plants, and shall include all costs incident to the delivery thereof. The increase or decrease so determined will be reduced by the ratio that the non-nuclear fuel generated energy bears to the total net generated and purchased energy.

The monthly adjustment to electric bills for street lighting, area lighting, and flat rates will be determined by applying the adjustment factor as calculated above to the calculated monthly kilowatt hour consumption.



APPENDIX "A" Page 1 of 2

Advice Letter Number 657
Decision Number 87640


PRESIDENT
Issuing Officer

Issue Date October 29, 1975
Effective Date November 11, 1975

PUBLIC SERVICE COMPANY OF COLORADO
FUEL COST ADJUSTMENT DATA
UNDER COLORADO P.U.C. NO. 5 - ELECTRIC
SECOND REVISED SHEET NO. 280

FUEL COST MONTH	FOSSIL FUEL GENERATION			NUCLEAR FUEL GENERATION			ADJUSTMENTS PER KWH IN DOLLARS			APPLIED TO BILLS WITH METER READINGS BEGINNING
	+ \$0.000121/KWH ABOVE OR BELOW			+ \$0.010671/KWH ABOVE OR BELOW						
	57.0c/MMBTU			\$0.001728/KWH						
	FUEL COST c/MMBTU	UNITS OF ADJUSTMENTS	% FOSSIL FUEL GENERATION	FUEL COST c/KWH	UNITS OF ADJUSTMENTS	% NUCLEAR FUEL GENERATION	FOSSIL	NUCLEAR	TOTAL	
October 1975	64.7304	7.7304	96.4194	0	0	0	.000902	0	a/.000902	11/21/75
									b/.002312	11/21/75

a/ The FCA amount of \$0.000902 is applicable to consumption occurring on and after November 11, 1975, the date when new base rates incorporating a roll-in of an FCA amount of \$0.00141 became effective. Determination of split in consumption prior to and on or after the November 11 date is by pro-rate of monthly consumption.

b/ The FCA amount of \$0.002312 is the sum of the \$0.000902 and the \$0.00141 amounts explained in note a/. The \$0.002312 amount is applicable to consumption occurring prior to November 11, 1975, the date when new base rates incorporating a roll-in of an FCA amount of \$0.00141 became effective. Determination of split in consumption prior to and on or after the November 11 date is by pro-rate of monthly consumption.

(Decision No. 87775)

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
A COLORADO CORPORATION, 6530)	
BRENTWOOD STREET, ARVADA,)	COMMISSION ORDER DENYING
COLORADO, FOR AUTHORITY TO EXTEND)	APPLICATION FOR REHEARING, REARGUMENT
OPERATIONS UNDER CERTIFICATE OF)	AND RECONSIDERATION OF
PUBLIC CONVENIENCE AND NECESSITY)	DECISION NO. 87547
PUC NO. 4808.)	

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 30, 1975, the Commission entered its Decision No. 87547 in the above-entitled matter.

On October 31, 1975, Protestants, Arvada Rubbish Removal, Inc., and SCA Services of Colorado, Inc., filed an Application for Rehearing, Reargument and Reconsideration of Decision No. 87547.

The Commission states and finds that Protestants' Application for Rehearing, Reargument and Reconsideration does not set forth sufficient grounds for any change or modification and that said Application should therefore be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Application for Rehearing, Reargument and Reconsideration filed on October 31, 1975, by Protestants, Arvada Rubbish Removal, Inc., and SCA Services of Colorado, Inc., of Decision No. 87547, dated September 30, 1975, be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

CHAIRMAN EDWIN R. LUNDBORG DISSENTING.

CHAIRMAN EDWIN R. LUNDBORG DISSENTING:

On reconsideration, for the reasons as set forth in my expression of dissent to Decision No. 87547, dated September 30, 1975, and, in addition, for the cogent and clear-cut legal reasons or points succinctly set forth in Protestants' Application for Rehearing, Reargument and Reconsideration, I respectfully dissent to the foregoing Decision denying the aforesaid Application for Rehearing, Reargument and Reconsideration duly filed by Arvada Rubbish Removal, Inc., and SCA Services of Colorado, Inc., Protestants herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Chairman

ma

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO	)	APPLICATION NO. 28764
FOR AN ORDER AUTHORIZING IT TO EFFECT)	
CERTAIN DOWNWARD REVISIONS IN GAS RATES	)	ORDER OF THE COMMISSION
UPON LESS THAN STATUTORY NOTICE.	)	AUTHORIZING DOWNWARD
	)	REVISION OF GAS RATES

- - - - -
November 18, 1975
- - - - -

STATEMENT

BY THE COMMISSION:

On November 13, 1975, Public Service Company of Colorado (P.S.C.), Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on November 21, 1975, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company (C.I.G.), Northwest Pipeline Corporation (N.P.C.), and Western Slope Gas Company (W.S.G.).
3. This Commission has no jurisdiction over the wholesale rates of C.I.G. and N.P.C., but it does have jurisdiction over the rates of Western Slope Gas Company.
4. Effective October 1 and November 1, 1975, Applicant's supplier decreased their wholesale rates to Applicant by approximately \$913,747, based upon volumes purchased by Applicant for the twelve months ended September 30, 1975.
5. The proposed tariffs accompanying this application, attached hereto as Appendix "A", will decrease annual revenues by \$938,587, which is a decrease of 0.57%.

6. Applicant's currently authorized rate of return is 9.09%, set in Commission Decision No. 87474, dated September 12, 1975.

7. If this application be denied, Applicant's pro forma rate of return for the test year ending September 30, 1975, will be 9.12%.

8. If this application be granted, Applicant's pro forma rate of return for the test year ending September 30, 1975, will be 8.84%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and non-discriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 1.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

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

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

ORDER

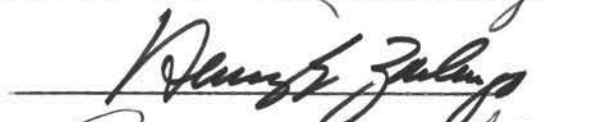

THE COMMISSION ORDERS THAT:

Public Service Company of Colorado shall file on less than one (1) day's notice, within thirty (30) days of the effective date of this Order, the tariffs attached hereto as Appendix "A" and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
blf

(Decision No. 87776-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PUBLIC SERVICE COMPANY OF COLORADO)	APPLICATION NO. 28764
FOR AN ORDER AUTHORIZING IT TO EFFECT)	
CERTAIN DOWNWARD REVISIONS IN GAS RATES)	ERRATA NOTICE
UPON LESS THAN STATUTORY NOTICE.)	

November 25, 1975

Decision No. 87776

ORDER OF THE COMMISSION
AUTHORIZING DOWNWARD REVISION
OF GAS RATES

(Issued November 18, 1975)

Page 2: Insert "not" in first line of Order so that the first paragraph of the Order reads as follows:

Public Service Company of Colorado shall file on not less than one (1) day's notice, within thirty (30) days of the effective date of this Order, the tariffs attached hereto as Appendix "A" and made a part hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galigan, Jr., Secretary

Dated at Denver, Colorado,
this 25th day of November, 1975
ds

(Decision No. 87777)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28590-Extension
RUDDOLPH F. CARLSON, DOING BUSINESS	)	and/or Clarification
AS "TRI-AREA TRUCK SERVICE," BOX)	
126, DAcono, COLORADO, FOR EXTEN-	)	ORDER VACATING HEARING AND
SION OF OPERATIONS UNDER PUC NO. 372.	)	DISMISSING APPLICATION

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 14, 1975, Protestants, SCA Services of Colorado, Inc., and United States Disposal Systems, Inc., filed with the Commission a "Motion to Compel Applicant to Answer Interrogatories."

On October 21, 1975, by Decision No. 87644, the Commission ordered Applicant to answer the aforesaid interrogatories on or before October 31, 1975 or "the hearing presently set for November 24, 1975, will be vacated and the above-captioned application shall be dismissed, unless good cause to the contrary is shown by Applicant."

Applicant having not answered the aforesaid interrogatories, the Commission now finds that the above-captioned applications should be dismissed and the hearing set for November 24, 1975, vacated.

An appropriate order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

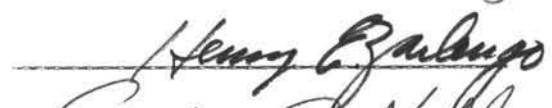
1. Application No. 28590-Extension and/or Clarification be, and hereby is, dismissed.
2. The hearing set for November 24, 1975, in Greeley, Colorado, be, and hereby is, vacated.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners

(Decision No. 87778)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE THE MATTER OF TED CARPENTER)
& SON, INC., 2337 SOUTH SHIELDS,)
FORT COLLINS, COLORADO.)

CASE NO. 2560-H-Insurance

ORDER STAYING EFFECTIVE DATE
OF DECISION NO. 87385

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 12, 1975, Ted Carpenter & Son, Inc., by its attorney, Kenneth R. Hoffman, filed with the Commission a Petition for Further Stay of Effective Date for compliance with Decision No. 87385 to and including the 15th day of December, 1975, to file certain documents.

The Commission states and finds that sufficient grounds have been shown for granting said request.

An appropriate order will be entered.

O R D E R

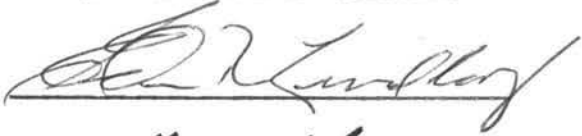

THE COMMISSION ORDERS THAT:

Ted Carpenter & Son, Inc., be, and hereby is, granted a Petition for Further Stay of Effective Date until December 15, 1975, within which to file certain documents in the above-captioned matter in compliance with Commission Decision No. 87385.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
ds

(Decision No. 87779)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE JOINT APPLICATION)
OF COLUMBINE TELEPHONE COMPANY, A)
COLORADO CORPORATION, TRANSFEROR, AND) APPLICATION NO. 27883
EAGLE VALLEY TELEPHONE COMPANY, TRANS-)
FEREE, FOR AN ORDER AUTHORIZING THE)
SALE AND TRANSFER OF ALL ASSETS, INCLUD-)
ING A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 29, 1974, Columbine Telephone Company ("Columbine") and Eagle Valley Telephone Company ("Eagle") filed a joint application with this Commission requesting authority to sell and transfer the assets of Columbine and the Certificate of Public Convenience and Necessity now held by Columbine to Eagle. The agreement of the parties relating to the sale and transfer also provides for Eagle to assume certain of Columbine's liabilities.

On January 29, 1975, Examiner Robert L. Pyle entered Recommended Decision No. 86303, which thereafter became the Decision of the Commission by operation of law. Said Decision authorized and approved the sale of the assets of Columbine to Eagle and, inter alia, ordered the consummation of the acquisition and transfer to be fully consummated on or before June 1, 1975, unless, prior to said date, upon motion and for good cause shown, the Commission extended the date. Said Order further provided that non-compliance with the foregoing provision shall revoke and render null and void all authorization granted by the Order.

Thereafter, Columbine and Eagle filed a total of four requests to extend the date by which to consummate the transaction approved in Decision No. 86303. The last of said Decisions, to wit, Decision No. 87586, dated October 7, 1975, stated that the extension therein granted would be the last extension authorized in the absence of extremely serious reasons. That decision granted an extension of time until November 17, 1975.

The Commission states and finds that Columbine and Eagle (1) have not consummated the transaction as ordered in Decision No. 86303, as extended until November 17, 1975, by Decision No. 87586, or, (2) requested a further extension of time, for extremely serious reasons, within which to consummate the transfer. Accordingly, authorization for said transfer has become inoperative and void as a matter of law. The Commission further states and finds that the within docket should be closed.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application in the within matter be, and hereby is dismissed.
2. The Docket in the within application No. 27883 be, and the same hereby is, closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 87780)

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

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 87574, dated October 7, 1975, the Commission entered its order upon exceptions to Recommended Decision No. 85388.

On October 27, 1975, the Contract Carriers' Conference, et al., by their attorney John J. Conway, filed an "Application of the Contract Carriers' Conference, et al., for Rehearing, Reargument, or Reconsideration of Decision No. 87574."

On October 27, 1975, A. L. Atwood, Franch Transportation Company, doing business as "John Bunning Transfer Co., Inc.," Fowler & Sons Trucking, Inc., and Thacker Bros. Transportation, Inc., by their attorneys Stockton and Lewis, filed a "Petition for Rehearing or Reconsideration."

On October 27, 1975, the Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association, by their attorneys Jones, Meiklejohn, Kehl & Lyons, filed a "Petition for Reconsideration Filed by the Regular Route Common Carriers Conference of the Colorado Motor Carriers' Association."

Because of the importance of the within matter, the Commission has decided to set the same for reargument prior to rendering a final decision therein.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The within matter be, and the same hereby is, set for rehearing as follows:

DATE: December 4, 1975

TIME: 10 a.m.

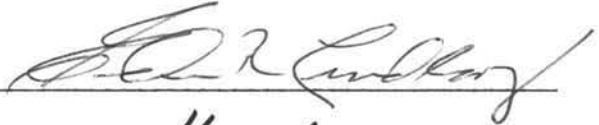
PLACE: 507 Columbine Building
1845 Sherman Street
Denver, Colorado

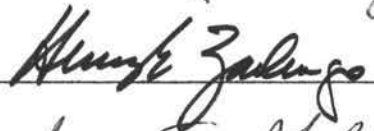
2. Counsel for each of the parties shall be limited to thirty (30) minutes, which may be divided between main argument and rebuttal.

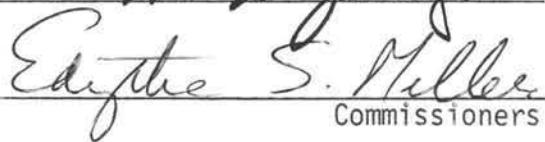
This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

(Decision No. 87781)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DALE P. BLUMBERG, DOING BUSINESS AS)
"DALE'S TRANSFER AND STORAGE," POST) APPLICATION NO. 28438-Transfer
OFFICE BOX 23, DELTA, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 944)
TO GREG SPANGLER, ROUTE 4, BOX 391,)
MONTROSE, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
DALE P. BLUMBERG, DOING BUSINESS AS)
"DALE'S TRANSFER AND STORAGE," POST) APPLICATION NO. 28439-Transfer
OFFICE BOX 23, DELTA, COLORADO, FOR)
AUTHORITY TO TRANSFER PUC NO. 3818)
TO GREG SPANGLER, ROUTE 4, BOX 391,)
MONTROSE, COLORADO.)

IN THE MATTER OF THE APPLICATION OF)
DALE P. BLUMBERG, DOING BUSINESS AS)
"DALE'S TRANSFER AND STORAGE," POST) APPLICATION NO. 28440-PP-Transfer
OFFICE BOX 23, DELTA, COLORADO, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
B-1305 TO GREG SPANGLER, ROUTE 4,)
BOX 391, MONTROSE, COLORADO.)

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER,
GRANTING APPLICATIONS

November 19, 1975

Appearances: John W. Overholser, Esq.,
Montrose, Colorado, for
Transferor and Transferee.

PROCEDURE AND RECORD

On June 12, 1975, the above-entitled applications were filed with this Commission for authority to transfer Certificates of Public Convenience and Necessity PUC No. 944 and PUC No. 3818 to operate as a common carrier by motor vehicle for hire and Permit No. B-1305 to operate as a contract carrier by motor vehicle for hire, from Dale P. Blumberg, doing business as "Dale's Transfer and Storage," to Greg Spangler.

Applicants requested temporary authority, and the Commission by Decisions No. 87143, No. 87144, and No. 87145 granted the requests for temporary authority upon certain conditions.

The Commission assigned Dockets No. 28438-Transfer, No. 28439-Transfer and No. 28440-PP-Transfer to the applications and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

A protest was duly filed by Litton Moving & Storage Co.; however, said Protestant failed to appear at the hearing.

After due and proper notice to all interested persons, firms, or corporations, the applications were set for a hearing to be held on Thursday, October 30, 1975, at 9 a.m. in the Montrose County Courthouse, Montrose, Colorado, at which time and place the matters were heard by Examiner Robert E. Temmer, to whom they had been duly assigned. The hearings were consolidated and the matters were heard on a joint record. No exhibits were tendered or admitted into evidence. The Examiner hereby, on his own motion, takes official notice of the applications and exhibits filed in these matters, of the official files in these matters concerning the requests for temporary authority, and of Certificates of Public Convenience and Necessity PUC No. 944 and PUC No. 3818 and Permit No. B-1305. Testimony was received from the Transferor and the Transferee. At the conclusion of the hearing, the subject matters were taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with the 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. Transferor herein, Dale P. Blumberg, an individual, is the present owner and operator of Certificates of Public Convenience and Necessity PUC No. 944 and PUC No. 3818 and of Permit No. B-1305, which are the subject matter of this proceeding.
2. These authorities have been continually operated in the past and are presently in good standing with the Commission.
3. Transferee herein, Greg Spangler, is an individual.
4. The Commission has jurisdiction over Transferor, Transferee, and the subject matter of this proceeding.
5. Transferee does not hold any previously granted authority from this Commission, other than the temporary authority mentioned above.
6. The Transferor and Transferee have entered into an agreement to transfer the operating authorities and certain other property. The consideration to be paid is \$15,000, which is found to be fair and reasonable.
7. The Certificates and Permit are free and clear of any debts, encumbrances, or obligations, and said authorities are to be transferred to the Transferee without any encumbrances.
8. Transferee will have one 1970 Chevrolet moving van and one 1956 International single-axle truck. Transferee's net worth is approximately \$12,900. Transferee has worked in the motor carrier business for a number of years. Transferee's equipment, experience, and net worth all will be ample and suitable for the operation of the authorities sought to be transferred herein.

9. Transferee is somewhat familiar with the rules and regulations of this Commission, and, if these applications are granted, will become entirely familiar with the rules and regulations of the Commission, as well as the safety requirements of the Commission, and promises to abide by said rules and regulations, as well as the safety requirements of the Commission. Transferee has made provision for liability insurance but has not made provision for cargo insurance, and, if these applications are granted, will comply with all insurance requirements of the Commission.

10. If these transfers are approved, Transferee intends to, and will, engage in bona fide motor carrier operations under the operating rights set forth herein.

11. There appears to be some overlap and/or duplication between the authorities sought to be transferred herein, and the Transferor and the Transferee are ready and willing to eliminate the overlap and duplication. This should be done upon proper application to clarify and redescribe all the subject authorities and after a proper hearing is held. An attempt to clarify and redescribe the authorities in this proceeding would not be in accordance with the proper procedure and, therefore, not in the public interest.

12. The granting of the applications will be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfers sought by Transferor and Transferee should be granted as hereinafter set forth.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Dale P. Blumberg, doing business as "Dale's Transfer and Storage," Post Office Box 23, Delta, Colorado, be, and hereby is, authorized to transfer all right, title, and interest in and to Certificates of Public Convenience and Necessity PUC No. 944 and PUC No. 3818 and Permit No. B-1305 to Greg Spangler, Route 4, Box 391, Montrose, Colorado, subject to encumbrances, if any, against said authorities.

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

3. The common carrier rates, rules, and regulations of Transferor and the tariffs of Transferor relating to the Permit shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

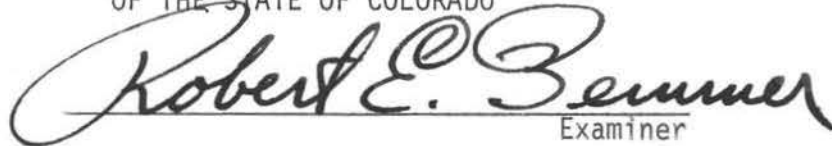
4. The right of Transferee to operate under this Order shall depend upon a prior filing of an annual report by Transferor herein, covering the operations under the aforesaid Certificates and Permit up to the time of transfer of said Certificates and Permit.

5. Transferee shall, within sixty (60) days of the effective date of this Order, file with this Commission an application for clarification and redescription of the authorities transferred herein so that all duplication and overlap of the authorities can be eliminated.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

(Decision No. 87782)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: ITEM NO. 100, COLORADO MOTOR
TARIFF BUREAU TARIFF NO. 13,
COLORADO PUC NO. 12; ITEM NO. 100,
DUFFY STORAGE AND MOVING TARIFF NO.
3, COLORADO PUC NO. 4; AND ITEM NO.
100, THE WEICKER TRANSFER & STORAGE
COMPANY TARIFF NO. 3, COLORADO PUC
NO. 3.)

CASE NO. 1585

ORDER VACATING AND CLOSING
SHOW CAUSE HEARING

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Decision No. 87460, dated September 9, 1975, the Commission set a Show Cause Hearing with respect to the lawfulness of the "Exclusive Use of Vehicle" rule published in Colorado Motor Tariff Bureau Tariff No. 13, Weicker Transfer & Storage Company Tariff No. 3 and Duffy Storage and Moving Tariff No. 3. Said decision named the participating carriers in Colorado Motor Tariff Bureau Tariff No. 13, Weicker Transfer & Storage Company and Duffy Storage and Moving as Respondents and directed them to appear before the Commission on November 13, 1975 to show cause why the Commission should not take such action and enter such order as might be appropriate; including but not limited to, an order revoking, altering or amending the "Exclusive Use of Vehicle" rules as presently on file by Respondents. By notice dated November 7, 1975, the Secretary of the Commission vacated the hearing date of November 13, 1975 and reset the matter for hearing on December 29, 1975.

On November 6, 1975, Respondents filed with the Commission revised "Exclusive Use of Vehicle" rules in each of the involved tariffs cancelling the rules which are the subject of this Show Cause Hearing. A review of the revised "Exclusive Use of Vehicle" rules now on file reveals that they are now in accord with the generally accepted concepts of "Exclusive Use" and that they have eliminated the possible violations of CRS 40-3-1 and 40-3-6 as set forth in the Show Cause Order.

The Commission finds that the revised "Exclusive Use of Vehicle" rules now on file by Respondents have eliminated the necessity of proceeding with this Show Cause Hearing and that it will be in the public interest to vacate the hearing now set for December 29, 1975 and close the docket in Case No. 1585 Order to Show Cause.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

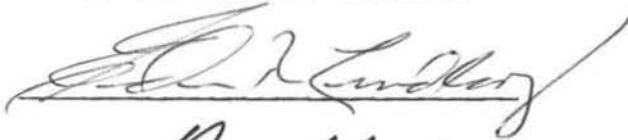

1. That the hearing now set for December 29, 1975 in this Snow Cause proceeding be, and hereby is, vacated.

2. That Case No. 1585, Order to Show Cause involving "Exclusive Use of Vehicle" rules, be, and hereby is, closed.

3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners

dh

(Decision No. 87783)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF	)	CASE NO. 5644
BLUE BARREL DISPOSAL, INC. UNDER)	
CERTIFICATES OF PUBLIC CONVENIENCE	)	ORDER TO SHOW CAUSE
AND NECESSITY PUC NO. 2032 AND PUC	)	AND
NO. 4446.	)	NOTICE OF HEARING

- - - - -
November 18, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Heretofore, Blue Barrel Disposal, Inc., Respondent herein, was granted Certificates of Public Convenience and Necessity PUC No. 2032 and PUC No. 4446 to conduct operations as a common carrier by motor vehicle for hire.

Certificate No. 2032 authorizes:

"Transportation of dirt, ashes, trash, and garbage to and from points within a radius of ten (10) miles of the City Limits of Englewood, Colorado, to such locations where the same may lawfully be delivered or disposed of. RESTRICTION: No service shall be performed in the territory served by Louis C. Berend, doing business as 'Dad's Disposal Service,' (PUC No. 1968), as of September 21, 1949; or Denver Maintenance Corporation (PUC No. 2010); or in any part of Jefferson County, Colorado, or in the City of Aurora, Colorado."

Certificate No. 4446 authorizes:

"Transportation of ashes, trash and other waste materials in the City and County of Denver, and from points within the City and County of Denver to regularly designated and approved dumps and disposal places in the Counties of Adams, Arapahoe, and Jefferson, State of Colorado."

The Staff of the Public Utilities Commission of the State of Colorado has conducted an investigation into the operations of Respondent under its Certificates of Public Convenience and Necessity. Said investigation indicates that Respondent's operations may be in violation of the law of the State of Colorado governing public utilities and of the Rules and Regulations of the Commission by:

- I. Charging rates other or different than those on file with the Commission for such service, resulting in undercharges and overcharges, as more fully set forth in Appendix "A" attached hereto and incorporated herein;

2. Rendering service without an appropriate rate providing for such service being on file with the Commission as more fully set forth in Appendix "A" attached hereto and incorporated herein.
3. Failing to file contracts for service being performed.

On October 1, 1975, pursuant to Section 24-4-104(3) CRS 1973, Harry A. Galligan, Jr., Secretary of the Commission -- and acting upon its behalf -- sent a letter to the Respondent giving notice of facts or conduct that may warrant action by the Commission suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC No. 2032 and PUC No. 4446 and affording the Respondent opportunity to submit written data, views and arguments with respect to such facts or conduct.

No response was received by the Commission to Mr. Galligan's letter of October 1, 1975.

The Commission states and finds that sufficient cause exists for the holding of a hearing to determine the facts of said matter, to hear such arguments as may be material, to receive evidence from the Staff and any others who desire to testify, and to determine what Order or penalty, if any, shall be imposed by the Commission.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent, Blue Barrel Disposal, Inc., be, and hereby is, directed to appear before the Commission as set forth below, to show cause, if any it has, why the Commission should not find that its operations as specified herein are or have been in violation of the law of the State of Colorado governing Public Utilities and of the Rules and Regulations of the Commission, and take such action and enter such penalty as may be appropriate following said hearing, including but not limited to a cease and desist order, or if warranted, an order suspending, revoking, altering or amending Certificates of Public Convenience and Necessity PUC No. 2032 and PUC No. 4446 of Respondent.

2. Hearing herein be, and hereby is, set as follows:

Date: January 23, 1976

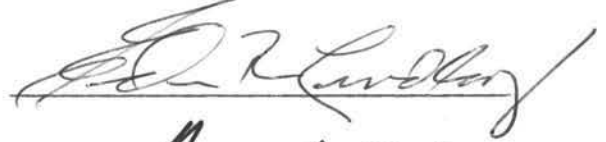
Time: 10:00 A.M.

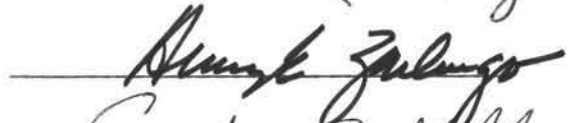
Place: Hearing Room, 500 Columbine Building
1845 Sherman Street, Denver, Colorado 80203

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






_____ Commissioners

APPENDIX "A"

<u>ACCOUNT</u>	<u>MONTHLY CHARGE</u>	<u>CORRECT CHARGE</u>	<u>DIFFERENCE</u>
Greenwood Plaza	\$ 754.00	\$ 784.00	\$ 30.00 Undercharge
Brown Palace Hotel	600.00	Would vary depending on actual time	
Courtesy Ford	157.00	255.00	98.00 Undercharge
American Health Center	68.00	94.00	26.00 Undercharge
Cherry Creek Apartments	219.00	224.00	5.00 Undercharge
Burger King	96.00	122.00	26.00 Undercharge
Continental Volkswagon	69.00	79.00	10.00 Undercharge
Beverly Manor Convalescent Center	122.00	129.00	7.00 Undercharge
Columbine Country Club	110.00	145.00	35.00 Undercharge
Cork & Cleaver	78.00	90.00	12.00 Undercharge
South Broadway Chiropractic Clinic	5.00	8.00	3.00 Undercharge
Air Force Finance Center	1,050.00	1,199.00	149.00 Undercharge
Columbine Valley	874.35	603.00	271.35 Overcharge
Burns Foodland	53.00	69.00	16.00 Undercharge
Corsican Apartments	140.00	101.00	39.00 Overcharge
Cherry Hills Medical Arts Building	70.00	66.00	4.00 Overcharge
Altura Frozen Food Locker	28.00	24.00	4.00 Overcharge
Cheesman Club Apartments	70.00	55.00	15.00 Overcharge
Writers Development	227.00	NO RATE ON FILE FOR SIZE CONTAINER IN USE	
Kimberly Woods Apartment	270.00	320.00	50.00 Undercharge
Kimberly Village Apartment	216.00	380.00	164.00 Undercharge
Pansing Pontiac	99.00	120.00	21.00 Undercharge
Safeway Store (Ridge Road & Broadway)	135.00	87.00	48.00 Overcharge

(Decision No. 87784)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION TO AMEND TARIFF
ON LESS THAN STATUTORY NOTICE BY
SARGENT AVIATION, INC. DBA
"WESTERN STATE AVIATION"

) APPLICATION NO. 28778
)
) ORDER DENYING APPLICATION TO
) FILE NEW TARIFF ON LESS THAN
) STATUTORY NOTICE

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1975, Sargent Aviation, Inc. d/b/a "Western State Aviation" filed an application seeking permission to file its Tariff No. 1, Colorado PUC No. 1, on less than statutory notice, cancelling Tariff No. 1, Colorado PUC No. 1, filed by Wayne G. Zaelke and Gordon B. Warren d/b/a "Western State Aviation".

In justification of its request, Applicant states that, the original tariff sought to be cancelled herein was filed in 1948; that no change in rates has been filed with the Public Utilities Commission since that date; that the rates have in fact been increased periodically throughout the years, and that the proposed tariff would reflect those rates and charges now being charged.

Additional data furnished indicates that all of the equipment being utilized in this operation is being leased; that the lease price includes all expenses of maintenance, annual and periodic inspection, and engine overhaul and rebuilding; that this data indicates a possible affiliate transaction and prevents the Commission from determining if the proposed rates and fares are just and reasonable and supported by specific costs.

The Commission states and finds that Applicant's petition to publish its Tariff No. 1, Colorado PUC No. 1, on less than statutory notice should be denied.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That the application of Sargent Aviation, Inc. d/b/a "Western State Aviation" to file its Tariff No. 1, Colorado PUC No. 1, on less than statutory notice be, and hereby is, denied.

2. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 87785)

BEFORE THE PUBLIC UTILITIES COMMISSION

OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28766
CITIZENS UTILITIES COMPANY FOR AN ORDER)	
AUTHORIZING IT TO EFFECT CERTAIN DOWN-)	ORDER OF THE COMMISSION
WARD REVISIONS IN GAS RATES UPON LESS)	AUTHORIZING DOWNWARD REVISION
THAN STATUTORY NOTICE.)	OF GAS RATES

- - - - -
November 18, 1975
- - - - -

STATEMENT

BY THE COMMISSION:

On November 13, 1975, Citizens Utilities Company, Applicant herein, filed the within verified application. Said application seeks an order of the Commission authorizing the Applicant, without formal hearing and on less than statutory notice, to place into effect on November 20, 1975, tariffs resulting in a decrease to its existing natural gas rates now on file with this Commission. Applicant states that its proposed decrease in rates is to reflect its decreased cost of gas purchased from its supplier and to pass on to Applicant's customers such decreased costs to purchase natural gas for resale.

FINDINGS OF FACT

1. Applicant operates for the purpose of supplying the public with natural gas for domestic, mechanical or public uses in its certificated areas within the State of Colorado.
2. Applicant obtains its natural gas supply at wholesale from Colorado Interstate Gas Company (C.I.G.) for Applicant's customers in its Arkansas Valley service area.
3. This Commission has no jurisdiction over the wholesale rates of C.I.G.
4. Effective October 2, 1975, Applicant's supplier decreased its wholesale rates to Applicant by approximately \$36,855, based upon volumes purchased by Applicant for the twelve months ended December 31, 1974.

5. The proposed tariffs accompanying this application, attached hereto as Appendix "A," will decrease annual revenues by \$37,285, which is a decrease of 0.90%.

6. Applicant's currently authorized rate of return is 10.2%, set by Advice Letter No. 41-A, dated October 10, 1975.

7. If this application be denied, Applicant's pro forma rate of return for the test year ending December 31, 1974, will be 10.65%.

8. If this application be granted, Applicant's pro forma rate of return for the test year ending December 31, 1974, will be 10.01%.

9. The decrease in rates proposed by Applicant substantially reflects Applicant's decreased cost of gas.

10. The proposed tariffs are just, reasonable and nondiscriminatory.

CONCLUSIONS ON FINDINGS OF FACT

1. The Commission concludes that the instant application for authority to decrease rates is being made pursuant to Title 40-3-104(2), CRS 1973, and Rule 18 I.B of the Rules of Practice and Procedure before this Commission.

2. Any delay in placing decreased rates into effect to pass on Applicant's decreased costs would do substantial harm to customers of the Applicant.

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

4. The proposed tariffs are lawful, and in the public interest, and should be authorized.

An appropriate Order will be entered.

O R D E R

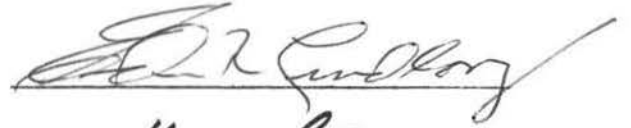
THE COMMISSION ORDERS THAT:

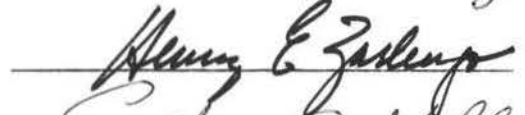
Citizens Utilities Company shall file on less than one (1) day's notice, within thirty (30) days of the effective date of this Order, the tariffs attached hereto as Appendix "A" and made a part hereof.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
nir

(Decision No. 87785-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CITIZENS UTILITIES COMPANY FOR AN ORDER)
AUTHORIZING IT TO EFFECT CERTAIN DOWN-)
WARD REVISIONS IN GAS RATES UPON LESS)
THAN STATUTORY NOTICE.)

APPLICATION NO. 28766

ERRATA NOTICE

November 25, 1975

Decision No. 87785

ORDER OF THE COMMISSION
AUTHORIZING DOWNWARD REVISION
OF GAS RATES

(Issued November 18, 1975)

Page 2: Insert "not" in first line of Order so that the first paragraph of the Order reads as follows:

Citizens Utilities Company shall file on not less than one (1) day's notice, within thirty (30) days of the effective date of this Order, the tariffs attached hereto as Appendix "A" and made a part hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado,
this 25th day of November, 1975
ds

(Decision No. 87785-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CITIZENS UTILITIES COMPANY FOR AN ORDER	)	APPLICATION NO. 28766
AUTHORIZING IT TO EFFECT CERTAIN DOWN-)	
WARD REVISIONS IN GAS RATES UPON LESS	)	ERRATA NOTICE
THAN STATUTORY NOTICE.)	

- - - - -
November 19, 1975
- - - - -

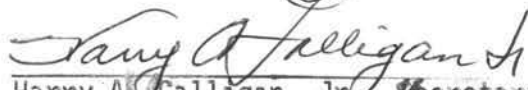
Decision No. 87785

ORDER OF THE COMMISSION
AUTHORIZING DOWNWARD REVISION
OF GAS RATES

(Issued November 18, 1975)

Appendix A: Sales at 14.65 pounds pressure which reads
\$0.158 per Mcf change to read \$0.159 per Mcf.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado,
this 19th day of November, 1975.

nr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WESTERN BUILDER LINE, INC., 25)
BRIARGATE TERRACE, P. O. BOX 11246,)
PUEBLO, COLORADO, FOR AUTHORITY TO)
TRANSFER ALL RIGHT, TITLE AND INTER-)
EST IN AND TO CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY PUC NO.)
370 AND 370-I, TO ARROW TRUCKING)
COMPANY, 4230 SOUTH ALWOOD, P. O.)
BOX 7280, TULSA, OKLAHOMA.)

APPLICATION NO. 28589-Transfer

ORDER OF THE COMMISSION

November 25, 1975

Appearances: John H. Lewis, Esq., Denver, Colorado
Attorney for Applicants
Garth C. Grissom, 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 1973, 40-6-108 (2); that no protest, objection or petition to intervene or otherwise participate in this 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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

IT FURTHER APPEARING, That the Certificate as herein sought to be transferred contains in part the following descriptive language in the scope of authority:

"and the conduct of a general transportation and cartage service

in Vineland, in the County of Pueblo, and between points in said County and other points in the State, subject to

- (a) for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which in all cases shall be at least 20% in excess of those charged by the scheduled carriers;
- (b) the applicant shall not operate on schedule between any points;
- (c) applicant may transport coal from the mines to any territory involved herein;
- (d) the applicant shall not be permitted without further authority from this Commission, to establish a branch office or have an agent employed in any other town or city than Vineland for the purpose of developing business.

Elimination of requirement not to establish branch office or have an agent employed in any town or city other than Vineland, etc., and he is authorized to establish branch offices or maintain an agent, or agents, in Pueblo and Blend, Colorado, without the right to establish other branch offices or agencies in towns or cities other than Pueblo and Blend."

which is ambiguous and for purpose of clarity, the Transferor and staff of the Commission have studied the file and all parties agree as set forth in letters dated November 3, 1975 and November 6, 1975 from Transferor's attorney to the Commission, that the wording should be amended;

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 that in view of the aforementioned ambiguous wording the scope of the operating authority under Certificate of Public Convenience and Necessity PUC No. 370 and 370-I should be redescribed as set forth in the Order following;

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. 370 and 370-I, as granted by Commission Decision No. 60514 dated April 18, 1963, subject to encumbrances, if any, against said authority approved by this Commission; that upon acceptance of this Order in the manner hereinafter provided, Certificate of Public Convenience and Necessity PUC No. 370 and 370-I be, and hereby is, redescribed so that henceforth, the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 370 and 370-I shall read and be as follows, to wit:

"Transportation -- on call and demand -- of

(1) Farm products

From farms in Pueblo County, to markets in the City of Pueblo and other points in said Pueblo County

(2) Farm supplies

From various points in said County to said farms, without the right to engage in the transportation of freight between points on or near the Santa Fe Trail and other points in said County served by scheduled carriers

(3) General commodities

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

RESTRICTION: Item No. (3) of this Certificate is restricted as follows:

- (a) For the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers the applicant shall charge rates which in all cases shall be at least 20% in excess of those charged by the scheduled carriers;
 - (b) The holder or operator herein shall not be permitted without further authority from this Commission, to establish a branch office or have an agent employed in any other towns or cities than Pueblo, Colorado and Blend, Colorado, for the purpose of developing business
- (4) Clay, rock, sand, gravel, and other road-surfacing materials

From pits and supply points in the State of Colorado, which are within a radius of 150 miles of Pueblo to points in said radius

RESTRICTION: Item No. (4) is restricted against rendering transportation service within Boulder, Clear Creek and Gilpin Counties, State of Colorado.

- (5) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado State Boundary Lines where all highways cross same in Interstate Commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

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.

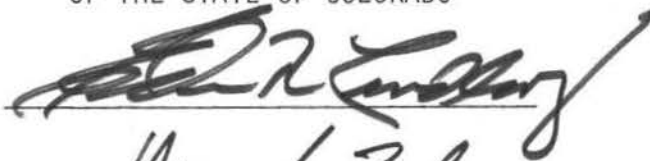
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: DALBY TRANSFER & STORAGE, INC.	)	INVESTIGATION AND SUSPENSION
TARIFF NO. 7, LOCAL COMMODITY RATES	)	DOCKET NO. 1002
FOR THE TRANSPORTATION OF BEER AND)	
BEVERAGES.	)	ORDER SETTING TARIFF FOR HEARING
	)	AND SUSPENDING

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1975, Dalby Transfer & Storage, Inc., Respondent herein, filed Tariff No. 7 establishing distance commodity rates in cents per loaded mile for the transportation of beer, beverages and containers, dunnage or pallets, empty used, between points in plains territory and from, to or between points in mountain territory.

The only justification filed in support of the proposed tariff was the statement by Respondent's President "We have hauled under these rates and find them to be just, reasonable and compensatory."

Respondent operates under authority granted in Certificate No. 343 which authorizes the conduct of a transfer, moving and general cartage business in the Counties of El Paso, Teller, Fremont and Douglas, in the State of Colorado, and for occasional service throughout the State and in each of the Counties thereof, subject to several specified terms and conditions. Of particular interest in this proceeding is the condition in this Certificate which states "For transportation of commodities other than household goods between points served singly or in combination by scheduled carriers, Applicant shall charge rates which shall be as much as twenty (20) percent higher in all cases than those charged by scheduled carriers."

On November 10, 1975, protest to said tariff was filed by Rio Grande Motor Way, Inc. basing its protest on the belief that the Respondent is required to charge rates on the involved commodities which are at least twenty (20) percent higher than the rates of the competing scheduled regular route carriers when transported in competition therewith.

The Commission in consideration of the lack of supporting data and the protest on file, states and finds that Dalby Transfer & Storage, Inc. Tariff No. 7 should be set for hearing and the effective date suspended.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Dalby Transfer & Storage, Inc., Respondent herein.

2. That this Investigation and Suspension Docket No. 1002, be, and the same is hereby, set for hearing before the Commission on:

Date: December 29, 1975

Time: 10:00 AM

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

3. That Dalby Transfer & Storage, Inc. Tariff No. 7 be, and hereby is, suspended for a period of 210 days or until June 19, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filing hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

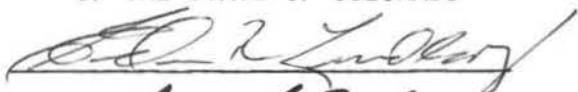
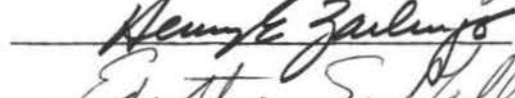
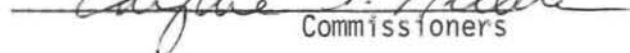
6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon D. G. Dalby, Jr., Vice President, Dalby Transfer & Storage, Inc., P. O. Box 7187, Colorado Springs, Colorado 80933.

7. That at least 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 it intends to introduce in evidence in support of its case.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY ART WALKER, DBA	)	DOCKET NO. 1003
"COLORADO SPRINGS-LIMON TRANSPORTATION)	
COMPANY," RESPONDENT HEREIN, SCHEDULED	)	ORDER SETTING HEARING AND
TO BECOME EFFECTIVE ON NOVEMBER 20,	)	SUSPENDING INCREASED RATES
1975.	)	AND CHARGES.

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 15, 1975, Colorado Springs-Limon Transportation Company, Respondent herein, filed its Tariff No. 4, Colorado PUC No. 5, scheduled to become effective on November 20, 1975. Said tariff, if allowed to become effective, would have the effect of increasing all rates and charges in Tariff No. 4 by 6 percent.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent failed to notify the public by failing to publish said increases in the newspaper in violation of Rule 19 G of the Rules of Practice and Procedure of this Commission.

The Commission, on its own motion, states and finds that the within tariff should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Art Walker, d/b/a "Colorado Springs-Limon Transportation Company".

2. That this Investigation and Suspension Docket No. 1003, be, and the same is hereby, set for hearing before the Commission on:

Date: January 30, 1976

Time: 10:00 AM

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

3. That Colorado Springs-Limon Transportation Company Tariff No. 4, Colorado PUC No. 5, be, and it hereby is, suspended for a period of 210 days or until June 17, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filing hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.




6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon Art Walker, Owner, Colorado Springs-Limon Transportation Company, 570 L Avenue, Limon, Colorado 80828, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least 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 it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 87789)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGE IN TIME SCHEDULE NO. 15, PUBLISHED BY SAN JUAN TOURS, INC., DBA "GLENWOOD-ASPEN STAGES, INC.," RESPONDENT HEREIN, SCHEDULED TO BECOME EFFECTIVE ON NOVEMBER 24, 1975.	)	INVESTIGATION AND SUSPENSION DOCKET NO. 1004
)	
	)	ORDER OF COMMISSION SETTING HEARING AND SUSPENDING TIME SCHEDULE
)	

November 18, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 8, 1975, San Juan Tours, Inc., d/b/a "Glenwood-Aspen Stages, Inc.," Respondent herein, filed Time Schedule No. 15, scheduled to become effective on November 24, 1975.

Respondent herein has failed to give notice to the public as provided for in Rule 19 G of the Rules of Practice and Procedure before the Public Utilities Commission.

The Commission, on its own motion, states and finds that it should set for hearing the herein matters with respect to this schedule filing and suspend the effective date thereof.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said time schedule filing by San Juan Tours, Inc., d/b/a "Glenwood-Aspen Stages, Inc."
2. That this Investigation and Suspension Docket No. 1004, be, and hereby is, set for hearing as follows:

Date:	February 6, 1976
Time:	10:00 AM
Place:	Hearing Room 1845 Sherman Street 500 Columbine Building Denver, Colorado 80203

3. That Time Schedule No. 15, filed by San Juan Tours, Inc., d/b/a "Glenwood-Aspen Stages, Inc.," be, and hereby is, suspended for a period of 210 days or until June 21, 1976, unless otherwise ordered by the Commission.

4. Notice of such hearing should be posted in all of Respondent's terminals and depots and in each of Respondent's vehicles.

5. 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 time schedule under the Public Utilities Law.

6. That neither the time schedule filing 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.


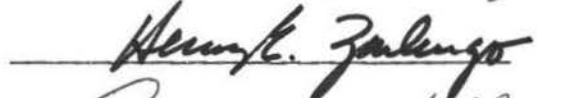

7. That a copy of this Order shall be filed with the time schedule in the office of the Commission and that a copy hereof be served upon J. F. Olmsted, President, San Juan Tours, Inc., d/b/a "Glenwood-Aspen Stages, Inc.," P. O. Box 2378, Colorado Springs, Colorado 80901, and that the necessary suspension supplement be posted and filed to the time schedule.

8. That at least fifteen (15) days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission three copies of any and all exhibits which it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

9. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 18th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
CONTINENTAL MOVING AND STORAGE)	PUC NO. 2 and 2-I
COMPANY, 5535 CENTRAL AVENUE,)	PERMIT NO. B-8331
BOULDER, COLORADO.)	

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On June 22, 1973, the Commission entered Decision No. 83242 approving the encumbrance of Certificate of Public Convenience and Necessity PUC No. 2 and 2-I by Continental Moving and Storage Company to the United Bank of Denver, Denver, Colorado, to secure the payment of the sum of Twelve Thousand Dollars (\$12,000.00).

The Commission is in receipt of a communication from the United Bank of Denver, Denver, Colorado stating that said encumbrance has been paid off.

The Commission is now in receipt of a communication from Continental Moving and Storage Company requesting the Commission's approval of an encumbrance of Certificate of Public Convenience and Necessity PUC No. 2 and 2-I and Contract Carrier Permit No. B-8331 to the National State Bank of Boulder, Boulder, Colorado, to secure payment of indebtedness in the principal sum of Sixty-One Thousand Dollars (\$61,000.00) in accordance with the terms and conditions of the Financing Statement and Small Business Administration Lender's Authorization No. GP 684, 178-10-09-Den as executed by and between Continental Moving and Storage Company, 5535 Center Avenue, Boulder, Colorado and the National State Bank of Boulder, P. O. Box 227, Boulder, Colorado.

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

O R D E R

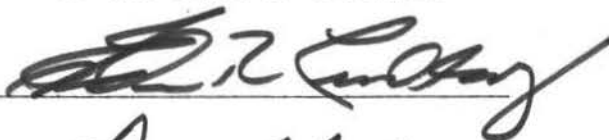
THE COMMISSION ORDERS:

That the mortgage of Certificate of Public Convenience and Necessity PUC No. 2 and 2-I authorized by Decision No. 83242 dated June 22, 1973 be and the same hereby is, released insofar as it concerns the Commission.

That Continental Moving and Storage Company be and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2 and 2-I and Contract Carrier Permit No. B-8331 to the National State Bank of Boulder, Boulder, Colorado to secure payment of the sum of Sixty-One Thousand Dollars (\$61,000.00) in accordance with the terms and conditions set forth in the Financing Statement and Small Business Administration Lender's Authorization No. GP 684, 178-10-09-Den dated November 11, 1975.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
KEITH A. CONWAY, SUCCESSOR IN)
INTEREST TO ASPEN CAB COMPANY &)
LITTLE PERCENT, INC., DOING BUSINESS)
AS "ASPEN CAB SERVICE COMPANY," 125)
NORTH MILL, ASPEN, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 1681 TO PHILIP L.)
SULLIVAN, ROBERT REGULSKI AND HARVEY)
GILMORE, A JOINT VENTURE NAMED)
MELLOW YELLOW TRANSPORTATION SER-)
VICES, DOING BUSINESS AS "THE CAB)
COMPANY," 500 EAST COOPER STREET,)
ASPEN, COLORADO.)

APPLICATION NO. 28682-Transfer
ORDER OF THE COMMISSION

November 25, 1975

Appearances: Dwight K. Shellman, Jr., Esq., Aspen, Colorado
Attorney for Transferor
John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Denver, Colorado
Attorneys for Transferee

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 1681, as granted by Commission Decision No. 86932 dated May 29, 1975, 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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87792)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE ATCHISON, TOPEKA AND SANTA FE)	APPLICATION NO. 28364
RAILWAY COMPANY, BURLINGTON NORTHERN,)	
INC., THE COLORADO AND SOUTHERN)	ORDER GRANTING EXTENSION OF TIME
RAILWAY COMPANY, AND UNION PACIFIC)	
RAILROAD COMPANY FOR AUTHORITY TO)	
ABANDON THE DENVER UNION STOCKYARDS)	
AGENCY AT DENVER, COLORADO.)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 10, 1975, Recommended Decision No. 87734 of Examiner Thomas M. McCaffrey was entered and served upon the parties.

On November 12, 1975, Applicants The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern, Inc., The Colorado and Southern Railway Company and Union Pacific Railroad Company, by their attorney Willard L. Peck, filed with the Commission a Petition for Extension of Time in Which to File Exceptions in the above-captioned matter until twenty (20) 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

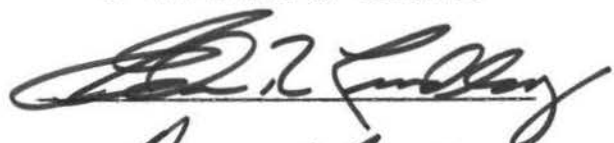
THE COMMISSION ORDERS THAT:

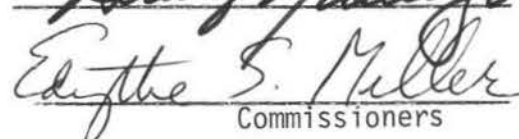
The Atchison, Topeka and Santa Fe Railway Company, Burlington Northern, Inc., The Colorado and Southern Railway Company and Union Pacific Railroad Company be, and hereby are, granted an Extension of Time Within Which to File Exceptions to the recommended decision of the examiner until twenty (20) days after the filing of the official transcript.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

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 E. TEMMER,
Respondents.	}	EXAMINER

November 20, 1975

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 November 3, 1975. The matters were duly called for hearing pursuant to such notice on Monday, November 17, 1975, at 9 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 in "Appendix A" hereto appeared at the hearing.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

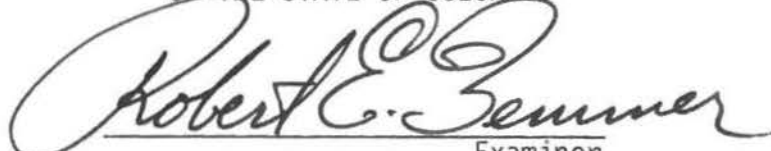
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 87793)

"APPENDIX A"

<u>NAME AND ADDRESS</u>	<u>APPL. NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Richard G. and George O. Anderson, dba Anderson Logging Co. Route 2, Box 135 Laramie, WY 82070	28572-PP	Issuance fee	488-App.
Francis M. Martin 5580 North Federal No. 19 Denver, CO 80221	28591-PP	Issuance fee	490-App.

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

(Decision No. 87794)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, G. I. EXPRESS COMPANY,	)	CASE NO. 5624
DOING BUSINESS AS "G. I. MOVING)	
AND STORAGE COMPANY," UNDER	)	RECOMMENDED DECISION OF
CERTIFICATES OF PUBLIC CONVENIENCE	)	THOMAS M. McCAFFREY,
AND NECESSITY PUC NO. 507 AND PUC	)	EXAMINER
NO. 507-I.)	

- - - - -
November 21, 1975
- - - - -

Appearances: Joseph F. Nigro, Esq.,
Denver, Colorado,
for Respondent.
Bruce C. Bernstein,
Assistant Solicitor General,
Denver, Colorado,
for the Commission.

PROCEDURE AND RECORD

On August 13, 1975, Harry A. Galligan, Jr., Secretary of the Commission, acting for and on behalf of the Commission, sent a letter to G. I. Express Company, doing business as "G. I. Moving & Storage Company" (hereinafter referred to as Respondent), giving notice of facts or conduct that may warrant action by the Commission suspending, revoking, altering, or amending Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-I and affording the Respondent opportunities to submit written data, views, and arguments with respect to such facts or conduct. By letter dated August 18, 1975, Respondent replied to Mr. Galligan's letter of August 13, 1975, setting forth its views and arguments concerning the proposed Show Cause.

On September 2, 1975, the Commission entered its Decision No. 87424 wherein it stated that the Staff of the Commission had conducted an investigation relating to the motor vehicle operations of Respondent under Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-I, said investigation having disclosed that Respondent had engaged in transportation practices that may be in violation of the Public Utilities Laws and the Rules and Regulations of this Commission in the following respects:

1. By charging and collecting for services not performed, resulting in overcharges being made to the shipper, as set forth in Appendix "A" attached to Decision No. 87424;
2. By charging and collecting for transportation services without having rates lawfully filed with this Commission, also as shown in Appendix "A" attached to the Decision;

3. By failing and neglecting to observe the principles and practices for the investigation and disposition of claims, as set forth in Supplement No. 1 to National Motor Freight Classification No. A-13, effective January 19, 1973.

Having assigned Docket No. 5624 to the case, the Commission in the aforesaid Decision No. 87424 ordered Respondent to appear before the Commission at 10 a.m. on November 7, 1975, 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 suspending, revoking, altering, or amending Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-1. The hearing was held at the scheduled time and place by Examiner Thomas M. McCaffrey, to whom the matter had been duly assigned.

As a preliminary matter, Respondent and the Staff of the Commission presented a Stipulation wherein Respondent admitted certain allegations contained in Appendix "A" and Appendix "B" of Decision No. 87424, agreeing that the remaining allegations would be dismissed. The Stipulation was accepted by the Examiner, and Respondent proceeded to present testimony by David I. Shepphard, Respondent's General Manager, and Lamar Warren, Assistant Manager. Ralph H. Knull testified on behalf of the Commission.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. Respondent G. I. Express Company, doing business as "G. I. Moving & Storage Company," 1140 West 5th Avenue, Denver, Colorado, is owner and operator of Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-1.

2. This proceeding was instituted in accordance with the terms and provisions of 24-4-104(3), CRS 1973, and all other applicable laws and the rules and regulations of this Commission.

3. Pursuant to the terms and provisions of the Stipulation entered into between Respondent and the Staff of the Commission, this proceeding is limited to allegations of charging incorrect rates, rendering service for which no tariffs were on file, and failure to acknowledge and dispose of claims in accordance with Supplement 1 to NMFC A-13, National Motor Freight Traffic Association, Inc., Agent, to which tariff Respondent was at all pertinent times a participating carrier. The propriety of Respondent's actions in settling or denying claims are not part of this proceeding.

4. Respondent admits in the Stipulation that it did on February 2, 1973, incorrectly charge a rate of \$18.75 per hour for providing a truck and two men, when the correct charge in accordance

with its tariff on file should have been \$19.75 per hour. This undercharge was not specifically alleged in Decision No. 87424 instituting this proceeding and this is not proper subject matter for consideration herein.

5. Respondent agrees and admits that it did in 15 instances charge shippers for cartons and/or packing materials without having a tariff on file with this Commission authorizing such services. These unauthorized charges occurred in a period between January 1973 and July 27, 1974, although some of the dates were not shown in Respondent's records.

Respondent's stated reason why it had not filed specific tariffs for cartons and/or packing materials is that the management did not feel that a specific tariff was necessary, since these cartons and packing materials were only incidental to the transportation services and could, in fact, be purchased separately by persons not utilizing Respondent's transportation services. Respondent's management was also under the impression that few, if any, of the household goods and general commodities' carriers have specific tariff provisions for cartons and/or packing materials. This position is incorrect, as testified to by Mr. Knull of the Staff, and the majority of other carriers do have tariff provisions for these items. Respondent, since having been advised that charges for cartons and/or packing materials must be included in its tariff, has filed appropriate tariffs for these services.

6. During a three-month period from January to March of 1973 Respondent transported vending machines on six separate occasions for Automatique without having a specific charge for transporting vending machines in its tariff provisions. Respondent felt, and still contended at the time of hearing, that vending machines were included within the definition of "household goods" as defined by the Interstate Commerce Commission, and, since this Commission had not specifically defined "household goods," Respondent was entitled to rely upon the ICC definition. In the absence of specific guidelines by this Commission, Respondent's contention would have some merit if indeed the ICC definition of "household goods" included vending machines when transported as separate items. Such is not the case, however, and vending machines under the ICC definition fall within the definition of "household goods" only when transported with a shipper's other furniture and equipment. Although Respondent does not agree with this Commission's present interpretation of the ICC definition, it is willing to include in its tariff filing charges for the transportation of vending machines and will file the appropriate tariff immediately.

7. There is no question that Respondent under the commodity and territorial authority contained in Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-I was authorized to transport vending machines and furnish cartons and packing materials in connection with transportation services. Respondent's violations of the laws of the State of Colorado and Rules and Regulations of this Commission lie in the fact that it had no tariff on file with this Commission for rendering such services. All charges Respondent made and collected for these unauthorized services were reasonable, and, since the Respondent did actually furnish the materials and render the transportation services, and the respective shippers did receive the benefit therefrom, it would not be just, reasonable, and in the public interest to order that Respondent refund to the shippers the amounts charged for these materials and

services. Respondent's failure to have on file tariff provisions for cartons, packing materials, and vending machines was an error of omission which, under the circumstances of this case, cannot be considered intentional, willful, or in reckless disregard of the laws of the State of Colorado and Rules and Regulations of this Commission. Respondent has filed, or will immediately file, the appropriate tariff for these items, and an appropriate and just penalty for these violations is an order from this Commission to cease and desist from rendering services for which no tariff provisions are on file with this Commission.

8. Of more serious import than the above-state violations is Respondent's failure to observe the principles and practices for investigation and disposition of claims as set forth in Supplement 1 to NMFC A-13 of the National Motor Freight Tariff Association, Inc., Tariff. These principles and practices are set forth in Exhibit 1 attached to the Stipulation entered into between Respondent and the Staff of the Commission. As admitted in the Stipulation, Respondent did not prior to September 1, 1975, acknowledge claims in writing within thirty (30) days after receipt thereof, did not assign to claims an identifying number or notify claimants of the assignment of identifying numbers, and did not have a system, or in a majority of instances, pay, refuse payment, or make a firm compromise offer within 120 days after receipt of a claim; nor for those claims which could not be disposed of within this period did Respondent at that time and at the end of each succeeding 60-day period thereafter while the claim remained pending, inform the claimant in writing for failure to conclude the claim, all in violation of the principles and practices as set forth in the aforesaid Supplement 1 to NMFC A-13. Respondent also did not establish a separately numbered file for each claim filed in accordance with Respondent's tariff governing claims and did not identify all documents, records, and correspondence pertaining to such claims.

Respondent's stated reason for its failure to abide by the tariff provisions in handling customers' claims is that until approximately June of 1974 it did not have any personnel sufficiently knowledgeable to establish a systemized claims-handling procedure. It was in June of 1974 that Respondent took steps to establish uniform claims-handling procedures and practices, and this system became fully operative in September of 1975.

9. The stated purposes of the principles and practices for handling claims, as contained in Respondent's applicable tariff, are:

- "(a) To obtain uniformity on the part of all carriers and uniform treatment of all claimants in the disposition of claims of like nature.
- "(b) To secure and preserve harmonious relationships in claim matters between carriers and their patrons.
- "(c) To affect and maintain a prompt and efficient service to the public in connection with the investigation and disposition of freight claims."

Although, as stated above, the propriety of Respondent's payment or denial of claims is not a consideration in this proceeding, it logically follows that Respondent's failure to follow even the basic tariff requirements in handling claims has resulted in delay, inefficiency, and inconvenience to the shipping public. Respondent's failure to establish a claims-handling procedure in accordance with the tariff provisions, while not indicating an intentional act, does clearly indicate a sufficiently reckless disregard of the applicable laws and Rules and Regulations of this Commission to justify revocation of Respondent's Certificate of Public Convenience and Necessity. Respondent's action in initiating corrective procedures, while not excusing the past violations of its tariff provisions, does mitigate the circumstances of such violations to the extent that Respondent should at its election be allowed, in lieu of revocation of its authority, to pay to the Treasurer of the State of Colorado the sum of One Thousand Dollars (\$1,000) for the use and benefit of the Public Utilities Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. This Commission has jurisdiction over Respondent and the subject matter of this proceeding.
2. Respondent did, within a period commencing January 10, 1973, to July 27, 1974, violate Rule 31 of the then effective Rules and Regulations Governing Common Carriers by Motor Vehicle and the Public Utilities Laws of the State of Colorado by charging shippers for cartons and/or packing materials without having a tariff on file with this Commission and by transporting vending machines for which Respondent had no applicable tariff on file with the Commission. Respondent should be ordered to cease and desist from all same or similar violations in the future.
3. Respondent did, within a period commencing November 17, 1972, to July 27, 1974, violate Rule 31 of the then effective Rules and Regulations Governing Common Carriers by Motor Vehicle and the Public Utilities Laws of the State of Colorado by failing to observe the principles and practices for investigation and disposition of freight claims in accordance with the terms and provisions of its tariff as set forth in Supplement 1 to NMFC A-13, of which tariff Respondent was a participating carrier. For these violations Respondent's operating authority should be canceled and revoked, but since Respondent has now ceased such violations, it 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 on or before January 1, 1976.
4. All additional alleged violations contained in Appendix "A" to Decision No. 87424 which are not specifically contained in Appendix "I" attached hereto should be dismissed.
5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Respondent G. I. Express Company, doing business as "G. I. Moving & Storage Company," 1140 West 5th Avenue, Denver, Colorado, be, and hereby is, found to be in violation of Rule 31 of the Colorado Public Utilities Commission's applicable Rules and Regulations Governing Common Carriers by Motor Vehicle and the Public Utilities Laws of the State of Colorado by charging and collecting rates not published in its tariff on file with this Commission, all of which violations are set forth in Appendix "I", attached hereto and by reference incorporated into this Order.

2. Respondent be, and hereby is, ordered to cease and desist from charging and collecting for services for which rates are not published in its tariff.

3. Respondent be, and hereby is, ordered to file within ten (10) days from the effective date of this Order tariff provisions setting forth the appropriate rate to be charged for the transportation of vending machines.

4. Respondent G. I. Express Company, doing business as "G. I. Moving & Storage Company," be, and hereby is, found to be in violation of Rule 31 of the Colorado Public Utilities Commission's applicable Rules and Regulations Governing Common Carriers by Motor Vehicle and the Public Utilities Laws of the State of Colorado by not acting in accordance with the terms and provisions of Supplement 1 to NMFC A-13, National Motor Freight Traffic Association, Inc., Tariff, of which Respondent is a participating carrier, within a period commencing November 17, 1972, to July 27, 1974, in the following respects:

- (a) By not acknowledging claims in writing within thirty (30) days after receipt thereof;
- (b) By not assigning claims an identifying number or notifying claimants of the assignment of identifying numbers;
- (c) By not having a system to pay, refuse payment, or make a firm compromise offer within one hundred twenty (120) days after receipt of a claim, nor for those claims which could not be disposed of within this period did Respondent at that time and at the end of each succeeding 60-day period thereafter while the claim remained pending, inform the claimant in writing for failure to conclude the claim; and
- (d) Respondent did not establish a separately numbered file for each claim filed in accordance with Respondent's tariff governing claims and did not identify all documents, records, and correspondence pertaining to such claims.

5. For Respondent's failure to observe the principles and practices for investigation and disposition of claims in accordance with the terms and provisions of its applicable tariff as set forth above, Respondent's authorities with this Commission, namely,

Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-I, be, and the same hereby is, revoked and canceled as of January 1, 1976; provided, however, that in lieu of said revocation and cancellation, Respondent may pay the sum of One Thousand Dollars (\$1,000) to the Treasurer of the State of Colorado on or before January 1, 1976, 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 Certificate of Public Convenience and Necessity PUC No. 507 and PUC No. 507-I shall be null and void and of no effect, and said authority shall be fully operative.

6. The rest and remainder of the alleged violations contained in Appendix "A" to Decision No. 87424 issued September 2, 1975, herein and not contained in Appendix "I" attached to this Order and by reference incorporated herein, be, and hereby are, dismissed.

7. 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.

8. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
vjr

APPENDIX "I"

<u>SHIPPER</u>	<u>ORIGIN/DESTINATION</u>	<u>DATE</u>
National City Bank	FROM: 811 Santa Fe TO: 2200 West Alameda	1-10-73
Mark V Mobile Homes	FROM: 41st W. of Wadsworth TO: Alameda & Garrison	2-1-73
Bill Leavel	FROM: 2037 S. Milwaukee TO: 331 E. Ellsworth	2-2-73
Deanne Roos	FROM: 807 E. 5th Ave. #8 TO: 550 E. 12th, Apt. #1803	2-2-73
Judy Horn	FROM: 3826 S. Fenton TO: 6431 W. Fremont Drive	2-12-73
Hy Brown	FROM: 420 S. Forest TO: 4295 E. Mexico #704	2-15-73
Automatique	FROM: Shop TO: 50 S. Kalamath	2-2-73
Berry Parks	FROM: 551 Pearl TO: Storage	Not shown
Ken W. Luff	FROM: 555 - 17th Street TO: 1600 Broadway	Not shown
Automatique	FROM: Colorado State Bank TO: 1165 S. Jason	3-14-73
Elizabeth Allison	FROM: 1525 - 16th Street TO: Storage	1-16-73
Carl Bylsma	FROM: 2569 Chase TO: Storage	1-16-73
Automatique	FROM: Little Bell TO: 2040 Broadway, Boulder	1-25-73
Automatique	FROM: Storage - Evans TO: YMCA - 16th & Lincoln	1-29-73
Ron Yanish	FROM: 1821 S. Olive TO: 6680 E. Mansfield	2-14-73
Patricia Rice	FROM: 1345 Navajo TO: 2383 S. Vaughn Way	2-17-73
Automatique	FROM: Shop TO: W/A	2-24-73
Mountain Pacific Investment Company	FROM: 909 - 17th St., #309 TO: 1860 Lincoln, #101	3-24-73
Automatique	FROM: Shop TO: W/A	3-30-73
Don Oldis	FROM: 8610 West Cottontail Drive TO: 340 South Dudley	6-6-73
St. Regis Paper Co. Attn: Mr. LeRoy E. Corning	FROM: 770 Grant Building TO: 3460 S. Sherman, Englewood	7-27-74

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GIFFORD H. ALLEN, HOTCHKISS, COLO-)
RADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. A-5548.)

APPLICATION NO. 28689-PP-Extension

ORDER OF THE COMMISSION

- - - - -
November 25, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. A-5548 to include the following:

"Transportation of

Newspapers and dry cleaning

To the off-route points of Cedaredge, Crawford and Somerset, Colorado."

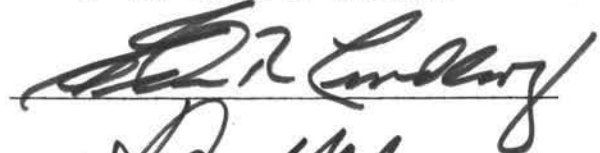
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

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.

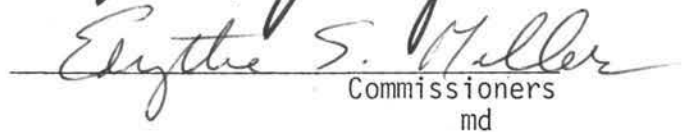
AND IT IS FURTHER ORDERED, That this Order shall become effective twenty-one days from the day and date hereof.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

Appendix
Decision No. 87795
November 25, 1975

Gifford H. Allen

Transportation of

Newspapers and dry cleaning

Between Delta, Colorado and Paonia, Colorado over Colorado 92, 133 and 187, serving all intermediate points and the off-route points of Cedaredge, Crawford and Somerset, Colorado.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HENRY GREEN AND ADAM GREEN, DOING)
BUSINESS AS "GREEN BROTHERS," 2130)
KING STREET, DENVER, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3461 TO)
HENRY GREEN, 2130 KING STREET,)
DENVER, COLORADO.)

APPLICATION NO. 28690-Transfer
ORDER OF THE COMMISSION

- - - - -
November 25, 1975
- - - - -

Appearances: Ralph E. Crandell, 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 1973, 40-6-108 (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 1973, 40-6-109 (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. 3461, as granted by Commission Decision No. 45193 dated January 17, 1956 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.

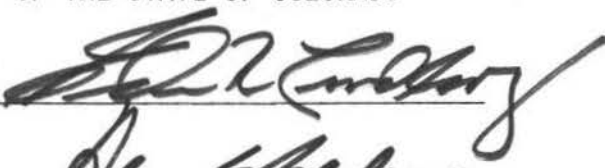


IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
PAUL COLLINS AND SYLVIA COLLINS,)	
DOING BUSINESS AS "THE PET COACH,")	APPLICATION NO. 28696
4785 SOUTH ELATI STREET, ENGLEWOOD,)	
COLORADO, FOR AUTHORITY TO OPERATE)	ORDER OF THE COMMISSION
AS A COMMON CARRIER BY MOTOR)	
VEHICLE.)	

- - - - -
November 25, 1975
- - - - -

Appearances: Henry V. Ellwood, 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 1973, 40-6-108 (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 1973, 40-6-109 (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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87797
November 25, 1975

The Pet Coach

Transportation -- on call and demand -- of

Animals commonly used as household pets

Between points located within the Counties of Denver and Arapahoe,
State of Colorado.

RESTRICTION: This Certificate is restricted against the transportation
of an animal weighing in excess of two hundred (200) pounds.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. M. W. CORPORATION, DOING BUSINESS)
AS "GLENWOOD TAXI," 317 6TH STREET,)
GLENWOOD SPRINGS, COLORADO, FOR)
AUTHORITY TO SUSPEND A PORTION OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 9731 FOR A)
PERIOD OF SIX MONTHS.)

APPLICATION NO. 28712-Suspend Portion
ORDER OF THE COMMISSION

November 25, 1975

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 suspension of a portion of Certificate of Public Convenience and Necessity PUC No. 9731 as hereinafter ordered;

WE FIND, That to grant the herein request for suspension of a portion of Certificate of Public Convenience and Necessity PUC No. 9731 will be in the public interest and should be granted as set forth in the Order following.

An appropriate Order will be entered.

IT IS ORDERED, That the above-referenced motor vehicle carrier be, and hereby is, authorized to suspend that portion of Certificate of Public Convenience and Necessity PUC No. 9731 which provides as follows:

"(1) Transportation -- in taxicab service -- of

Passengers and their baggage

Between points in a twelve (12) mile radius of Glenwood Springs, Colorado, and between said points on the one hand and all points in the State of Colorado on the other hand.

RESTRICTION: Item (1) of this Certificate is restricted as follows:

- (a) To the use of only vehicles having a capacity not to exceed seven (7) passengers.
- (b) Offices for solicitation of business shall be located only within a twelve (12) mile radius of Glenwood Springs, Colorado.

(3) Transportation -- on schedule -- of

Passengers and their baggage

(b) Between Glenwood Springs, Colorado, and the campus of Colorado Mountain College over Colorado Highway 82 and Garfield County 114, serving all intermediate points.

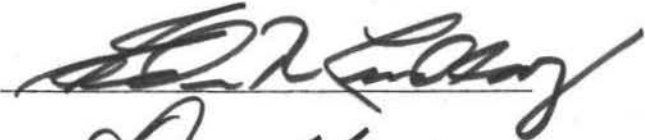
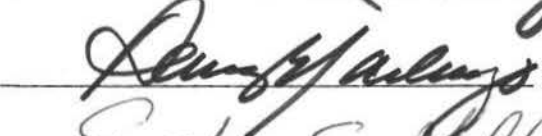

RESTRICTION: Item No. (3) of this Certificate is restricted to the use of vehicles having a capacity not to exceed twelve (12) passengers."

IT IS FURTHER ORDERED, That suspension of the motor vehicle operations under said portion of Certificate of Public Convenience and Necessity PUC No. 9731, be, and the same hereby is, authorized by the Commission from November 25, 1975 to and including May 25, 1976.

AND IT IS FURTHER ORDERED, That unless prior to expiration of said suspension period, a request in writing for reinstatement thereof, be made with the Commission, insurance filed, and compliance with all rules and regulations of the Commission applicable thereto, be made, said Certificate of Public Convenience and Necessity PUC No. 9731, without further action by the Commission, shall be revoked without the right to reinstatement.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. HOUNSHELL, DOING BUSINESS)
AS "PLATTE VALLEY FREIGHTWAYS," 111)
EAST CHESTNUT STREET, STERLING,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 769 AND)
769-I, TO PLATTE VALLEY FREIGHTWAYS,)
INC., P. O. BOX 1007, 111 EAST)
CHESTNUT STREET, STERLING, COLORADO.)

APPLICATION NO. 28715-Transfer

IN THE MATTER OF THE APPLICATION OF)
ROBERT D. HOUNSHELL, DOING BUSINESS)
AS "PLATTE VALLEY FREIGHTWAYS," 111)
EAST CHESTNUT STREET, STERLING,)
COLORADO, FOR AUTHORITY TO TRANSFER)
ALL RIGHT, TITLE AND INTEREST IN)
AND TO CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY PUC NO. 8087,)
TO PLATTE VALLEY FREIGHTWAYS, INC.,)
P. O. BOX 1007, 111 EAST CHESTNUT)
STREET, STERLING, COLORADO.)

APPLICATION NO. 28716-Transfer

ORDER OF THE COMMISSION

November 25, 1975

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, Esq.
Denver, Colorado
Attorneys for Applicants

IT APPEARING, That proper notice of the filing of the above entitled applications has been given pursuant to CRS 1973, 40-6-108 (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 proceedings are therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matters are ones which may properly be determined without the necessity of formal oral hearings;

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

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfers are 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 authorities to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the captions above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 769 and 769-I, as granted by Commission Decision Nos. 54992 dated August 26, 1960, 44000 dated February 25, 1955, 39209 dated August 20, 1952, 27958 dated April 7, 1947 and 6663 dated September 4, 1935; and Certificate of Public Convenience and Necessity PUC No. 8087 as granted by Commission Decision No. 79381 dated March 29, 1972, subject to encumbrances, if any, against said authorities approved by this Commission.

IT IS FURTHER ORDERED, That said transfers shall become effective only if and when, but not before, said Transferor and Transferee, have advised the Commission in writing that said Certificates have been formally assigned, and that said parties have accepted, and in the future will comply with, the conditions and requirements of this Order, to be by them, or either of them, kept and performed.

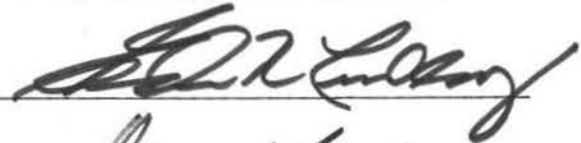
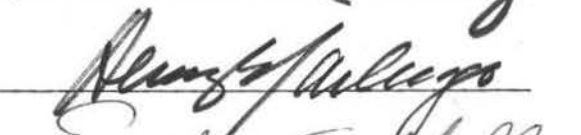
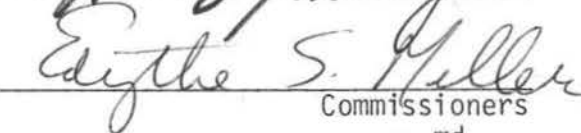
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 Certificates up to the time of transfers.

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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87800)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -)	DOCKET NO. 1001
COLORADO PUC NO. 2- GAS, WESTERN)	
SLOPE GAS COMPANY, DENVER, COLORADO.)	ORDER GRANTING EXTENSION OF TIME

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1975, Western Slope Gas Company, by its attorney, James R. McCotter, filed with the Commission a Motion for Extension of Time for compliance with Decision No. 87759 to and including the 16th day of December, 1975, to file certain documents.

The Commission states and finds that sufficient grounds have been shown for granting said request.

An appropriate order will be entered.

O R D E R

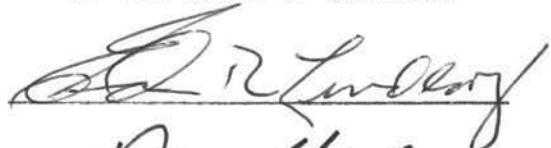
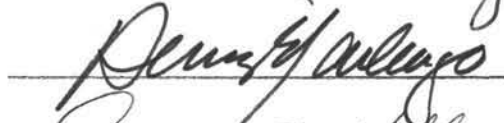
THE COMMISSION ORDERS THAT:

Western Slope Gas Company be, and hereby is, granted an extension of time until December 16, 1975, within which to file certain documents in the above-captioned matter in compliance with Commission Decision No. 87759.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
ds

(Decision No. 87801)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
W.M.W. CORPORATION DOING BUSINESS AS)	APPLICATION NO. 28708-Extension
"GLENWOOD TAXI" 317 6TH STREET,)	
GLENWOOD SPRINGS, COLORADO, FOR A)	ORDER GRANTING LEAVE TO INTERVENE
CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY AUTHORIZING EXTEN-)	
SION OF OPERATIONS UNDER PUC NO.)	
9731.)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 20, 1975, Continental Bus System (Rocky Mountain Lines Division) by its attorney, John R. Barry, filed with the Commission a motion for Leave to Intervene in the above-captioned matter.

The Commission states and finds that although the aforesaid Petition to Intervene was late filed with the Commission, petitioner is a person who may be effected by this application and that the Petition to Intervene should be granted.

An appropriate order will be entered.


O R D E R

THE COMMISSION ORDERS THAT:

1. Continental Bus System (Rocky Mountain Lines Division) be, and hereby is, granted Leave to Intervene in the above-captioned matter.
2. This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

jp

(Decision No. 87802)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF BESSEMER BUS CORPORATION,)	APPLICATION NO. 28767
DOING BUSINESS AS "THE AIRPORT)	
GROUND TRANSPORTATION AUTHORITY,)	ORDER GRANTING LEAVE TO INTERVENE
LTD.", COLORADO SPRINGS, COLORADO,)	
FOR A CERTIFICATE OF PUBLIC CON-)	
VENIENCE AND NECESSITY TO OPERATE)	
AS A COMMON CARRIER BY MOTOR VEHICLE)	
FOR HIRE.)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 21, 1975, San Juan Tours, Inc. and Yellow Cab Company of Colorado Springs, by their 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 the above 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:

San Juan Tours, Inc. and Yellow Cab Company of Colorado Springs be, and hereby are, granted Leave to Intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SCA SERVICES OF COLORADO, INC.,)
5820 WEST 56TH AVENUE, ARVADA,)
COLORADO, FOR AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 5342.)

APPLICATION NO. 28699-Extension
ORDER OF THE COMMISSION

November 25, 1975

Appearances: William Andrew Wilson, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend Items No. (1) and (2) of Certificate of Public Convenience and Necessity PUC No. 5342 to provide for transportation in the newly annexed areas of the City and County of Denver as they were constituted on October 1, 1975.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 5342 as extended, shall read and be as set forth in the Appendix attached hereto.

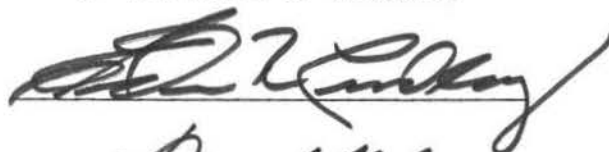
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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.

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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners
md

Appendix
Decision No. 87803
November 25, 1975

SCA Services of Colorado, Inc.

(1) Transportation of

Ashes, trash and other refuse

From all points within the Counties of Denver, as the boundaries existed on October 1, 1975 and Jefferson, to such points where the same may be lawfully delivered or disposed of.

(2) Transportation of

Fertilizer

Between points within the City and County of Denver, as the boundaries existed on October 1, 1975, State of Colorado.

(3) Transportation of

Dirt

In that territory situated in the City and County of Denver, described as follows:

West Colfax Avenue on the north, Cornell Avenue on the south, Sheridan Boulevard on the west, and Federal Boulevard on the east.

(4) Dirt and garbage

In that territory situated in the County of Jefferson, State of Colorado, described as follows:

Bounded by the center line of West First Avenue, on the north; Sheridan Boulevard, on the east; West Jewell Avenue, on the south; and Kipling Street along West Alameda Avenue to an imaginary line one (1) mile west of Morrison, on the west;

Provided that there be no transportation of dirt or garbage in that part of the above-described territory in the territory described as follows:

Kipling Street on the east, Ulysses Street on the west, West Alameda Avenue as extended to Ulysses Street on the north, and an imaginary line running parallel to and being two thousand feet south of Alameda Avenue on the south,

And provided further, that no dirt shall be transported under authority herein granted that does not arise from and is incidental to the hauling of trash, and for his trash and garbage customers, all of said hauling to be on call and demand.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. WATSON, VIVIANNE WATSON,)
AND JAMES G. WATSON, DOING BUSINESS)
AS "BILL WATSON FREIGHT LINE," P.)
O. BOX 1558, ESTES PARK, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CER-)
TIFICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 226 TO JAMES G.)
WATSON AND MARSHA B. WATSON, DOING)
BUSINESS AS "BILL WATSON FREIGHT)
LINE," 331 STANLEY AVENUE, ESTES)
PARK, COLORADO.)

APPLICATION NO. 28692-Transfer

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. WATSON, VIVIANNE WATSON,)
AND JAMES G. WATSON, DOING BUSINESS)
AS "BILL WATSON FREIGHT LINE," P.)
O. BOX 1558, ESTES PARK, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-86 TO)
JAMES G. WATSON AND MARSHA B. WATSON)
DOING BUSINESS AS "BILL WATSON)
FREIGHT LINE," 331 STANLEY AVENUE,)
ESTES PARK, COLORADO.)

APPLICATION NO. 28693-PP-Transfer

IN THE MATTER OF THE APPLICATION OF)
WILLIAM E. WATSON, VIVIANNE WATSON,)
AND JAMES G. WATSON, DOING BUSINESS)
AS "BILL WATSON FREIGHT LINE," P.)
O. BOX 1558, ESTES PARK, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-4228 TO)
JAMES G. WATSON AND MARSHA B. WATSON)
DOING BUSINESS AS "BILL WATSON)
FREIGHT LINE," 331 STANLEY AVENUE,)
ESTES PARK, COLORADO.)

APPLICATION NO. 28694-PP-Transfer

ORDER OF THE COMMISSION

November 25, 1975

Appearances: John P. Thompson and Raymond M. Kelley, Esqs.
Attorneys for Applicants
Denver, Colorado

IT APPEARING, That proper notice of the filing of the above entitled applications has been given pursuant to CRS 1973, 40-6-108 (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 proceedings are therefore noncontested and unopposed; and that pursuant to CRS 1973, 40-6-109 (5) the herein matters are ones which may properly be determined without the necessity of formal oral hearings;

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

WE FIND, That the financial standing of the Transferee has been satisfactorily established and that the transfers are 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 authorities to be transferred.

An appropriate Order will be entered.

IT IS ORDERED, That Applicants named in the captions above be authorized to transfer all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 226, as granted by Commission Decision No. 76036 dated October 8, 1970; Contract Carrier Permit No. B-86, as granted by Commission Decision No. 76037 dated October 9, 1970 and Contract Carrier Permit No. B-4228, as granted by Commission Decision No. 76037 dated October 9, 1970, subject to encumbrances, if any, against said authority approved by this Commission.

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

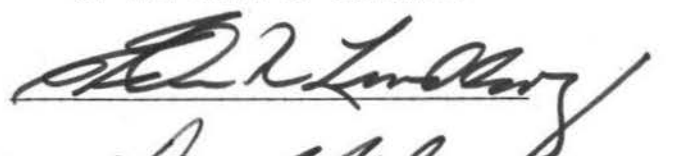
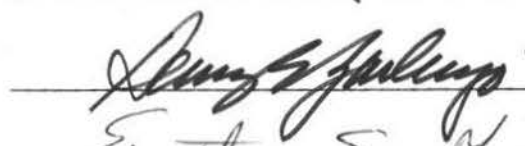

IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 and Permits up to the time of transfers.

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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM T. PARKINSON, DOING BUSI-)
NESS AS "PARKINSON T & T CO.,")
ROUTE 2, BOX 7A, DELTA, COLORADO,)
FOR AUTHORITY TO LEASE ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 934 TO)
RAYMOND J. THOMPSON, DOING BUSI-)
NESS AS "RAY THOMPSON TRUCKING,")
3120 D $\frac{1}{2}$ ROAD, GRAND JUNCTION,)
COLORADO.)

APPLICATION NO. 28662-Lease
ORDER OF THE COMMISSION

- - - - -
November 25, 1975
- - - - -

Appearances: Berndt C. Holmes, 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 1973, 40-6-108 (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 1973, 40-6-109 (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 approval of the lease as hereinafter ordered;

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

AND WE FURTHER FIND, That Lessee is fit, willing and able properly to engage in bona fide motor carrier operations under the authority to be leased 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 William T. Parkinson, doing business as "Parkinson T & T Co.", Route 2, Box 7A, Delta, Colorado, be, and is hereby, authorized to lease all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 934 to Raymond J. Thompson doing business as "Ray Thompson Trucking," 3120 D $\frac{1}{2}$ Road, Grand Junction, Colorado, in accordance with the terms and conditions of the Agreement of Lease dated September 16, 1975, and by reference made a part hereof.

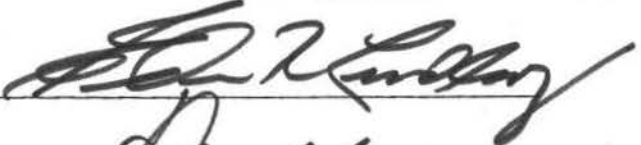
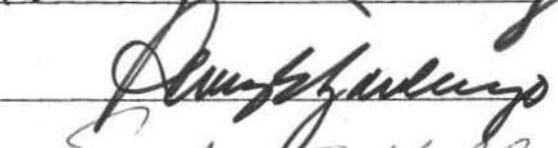
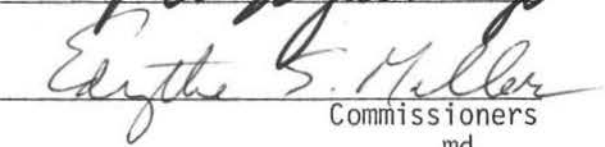
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Lessor shall upon proper adoption notice, become and remain those of Lessee until changed according to law and the rules and regulations of this Commission.

IT IS FURTHER ORDERED, That the right of Lessee 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 Lessor of delinquent reports, if any, covering operations under said Certificate up to the time of lease of said Certificate.

IT IS FURTHER ORDERED, That this Order shall become effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Edythe S. Miller
Commissioners
md

(Decision No. 87806)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUAN TRANSPORT CORPORATION, 3200)
RUAN CENTER, 666 GRAND AVENUE,)
DES MOINES, IOWA, FOR EMERGENCY)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28781-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 25, 1975

The above-entitled application under CRS 1973, 40-6-120, 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.

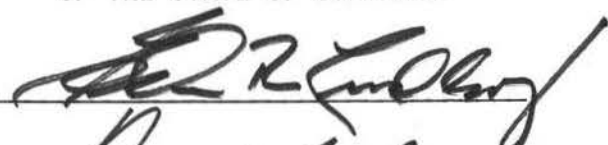
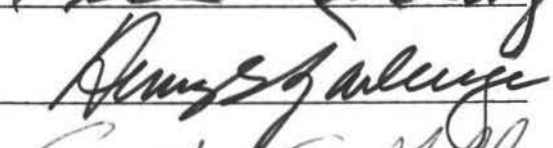
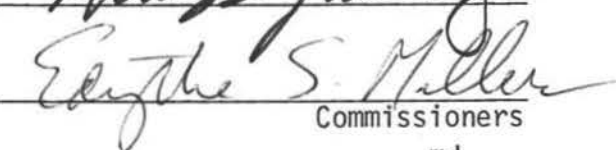
AND IT FURTHER APPEARING, That said circumstances constitute an emergency requiring the immediate issuance of temporary authority.

IT IS ORDERED, That the Applicant(s) named in the caption above be granted emergency temporary authority to operate as a 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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

md

Appendix
Decision No. 87806
November 25, 1975

Ruan Transport Corporation

Transportation of

Spent phosphoric acid in bulk, in tank vehicles

From the Eastman Kodak Plant near Windsor, Colorado, to Lucerne,
Colorado.

(Decision No. 87807)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DELBERT F. JOHNSTON, 2601 GORE ROAD,)
PUEBLO, COLORADO, FOR EMERGENCY)
TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CONTRACT CARRIER)
PERMIT NO. B-3966.)

APPLICATION NO. 28782-PP-Extension-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

November 25, 1975

The above-entitled application under CRS 1973, 40-6-120, 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 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87807
November 25, 1975

Delbert F. Johnston

Transportation of

Animal carcasses, offal, bone scraps unfit for human consumption and bone meal

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

RESTRICTION: This emergency temporary authority is restricted to rendering transportation service for one customer only, M & J Commodities, 1440 Stockyard Road, Pueblo, Colorado.

(Decision No. 87808)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28557
THE UNION PACIFIC RAILROAD COMPANY TO)	
DISCONTINUE AND ABANDON THE STATION)	RECOMMENDED DECISION OF
AGENCY AT EATON IN WELD COUNTY,)	ROBERT L. PYLE, EXAMINER
COLORADO.)	
)	GRANTING APPLICATION

November 24, 1975

Appearances: John J. Mullins, Esq., Denver,
Colorado, for the Union Pacific
Railroad Company, Applicant,
Robert Burroughs, Esq., Ault,
Colorado, for interested cus-
tomers and members of the
public,
Councilman Eugene Martin, Eaton,
Colorado, for the Eaton Town
Board, and
Oscar Goldberg, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

Under date of August 6, 1975, the Union Pacific Railroad Company pursuant to Rule No. 6 of the Commission's rules pertaining to railroad and express companies filed its application to discontinue the station agency now maintained by the Union Pacific Railroad Company at the Town of Eaton in Weld County, State of Colorado. A notice of change in the service of the Union Pacific Railroad Company; namely, the discontinuance and abandonment of the station agency at Eaton, Colorado, was duly posted in a conspicuous place at the Union Pacific depot in Eaton, Colorado, pursuant to the rules of this Commission. An affidavit by the trainmaster to that effect is in the file.

The Commission assigned Docket No. 28557 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

Six letters were received by the Commission protesting such discontinuation and abandonment; and, after due and proper notice to all interested parties, the application was set for hearing on Thursday, October 30, 1975, at 10 a.m. in the Town Hall, 223 First Street, Eaton, Colorado, at which time and place the matter was heard by Examiner Robert L. Pyle, to whom it was duly assigned.

Exhibits 1 through 18 were tendered and admitted into evidence, and testimony was taken from witnesses for the Union Pacific Railroad Company and from five members of the public including Councilman Eugene Martin of the Eaton Town Board. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding together with a written recommended decision containing 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 City of Eaton is located in Weld County approximately seven miles north of Greeley and has a population of approximately 2,300 persons. This is an increase of approximately 800 persons in the last two and one-half years. Driving time from Eaton to the station in Greeley is approximately ten minutes. Eaton serves an agricultural area; however, 160 acres have recently been annexed and negotiations are under way to annex an additional 40 acres. The city has been seeking light industry into the area and at the present time serves primarily as a "bedroom" community for persons who work in Greeley, and, of course, the businesses that serve the surrounding agricultural area.
2. The Union Pacific Railroad Company is a public utility operating in the State of Colorado, under the jurisdiction of this Commission.
3. The Union Pacific Railroad Company tracks run in a general north-south direction through the Town of Eaton and there are eight freight trains passing through the town in both directions each 24-hour period. There is no passenger service; however, the Amtrak train does go through Eaton but does not stop. Amtrak's station stop is in Greeley. The station in Eaton employs one person, a Mr. Smith, who is quite obviously well liked as a citizen of the town and is active in civic and government affairs in the Town of Eaton. The station is kept open from 8 a.m. to 5 p.m. (with one hour off for lunch) five days per week. The agent has the routine job of car counts and personal service to members of the public, who ship or receive freight, as well as personal service regarding complaints.
4. The Union Pacific Railroad Company now operates under a centralized train control for train operating orders from the chief dispatcher in Cheyenne, Wyoming, which is the regional accounting office for this area. The accounting is all done in Denver. As was brought out in the testimony, distance is no longer a consequential factor in the operation of modern equipment and communications. The local agent at Eaton does not sell or issue tickets. He does not prepare freight bills, maintain train control, or is he involved in sales. All weighing is done at Greeley; however, the local agent does do some routine paper work which is reported on to higher authorities mostly in Denver. The only thing that the Town of Eaton would lose if the station were closed would be the personal contact that the local agent has with the public. About 10 to 12 percent of the total revenue from or to Eaton comes from the Great Western Sugar Company, which, it is noted, is not a protestant to this proceeding.
5. If the station in Eaton is closed, that business now handled from the Eaton station would be transferred to Greeley. Some of the customers now served at the Eaton station are within the Greeley telephone exchange; and, whenever necessary, the Union Pacific Railroad Company would absorb any telephone toll charges from any customer regarding railroad business.

6. Eaton is located on U.S. Highway No. 85, which runs from Cheyenne to Greeley thence to Denver, and is served by various truck lines for general freight and by the Greyhound Bus Line for passengers and package type freight.

7. Pursuant to Exhibit No. 3, revenue from all miscellaneous sources (demurrage) at Eaton is as follows: 1973 - \$1,800, 1974 - \$450, the first six months of 1975 - \$290, for a total of \$2,540 for the two and one-half year period. The station at Eaton, Colorado; however, does serve Ault, Pierce, and Nunn, Colorado; and, pursuant to Exhibit No. 17, shipments to and from Eaton, Ault, Pierce, and Nunn, Colorado, generated revenue attributable to the Eaton station totalling \$723,816 in 1973; \$521,520 in 1974; and \$272,462 for the first six months of 1975. The station expense at Eaton, which is the only station for the four named towns, for the same periods of time was \$22,022 in 1973; \$20,398 in 1974; and \$12,907 for the first six months of 1975. It is noted from the exhibit that the operating ratio of Eaton, Ault, Pierce, and Nunn, when compared to the overall operating ratio of the Union Pacific Railroad Company, is about three to three and one-half points higher.

8. Although employees such as Mr. Smith, the station agent, because of seniority, will continue to be employed by the Union Pacific Railroad Company at perhaps some other station, the closing of the Eaton station will result in savings to the railroad of from \$20,000 to \$24,000 per year, which expense must obviously be borne by the public. There is really no service being performed at Eaton that cannot be completely and as diligently performed out of the Greeley station. In fact, the Greeley station is open from 6 a.m. to 10 p.m. (16 hours per day) seven days per week. Five employees are located at the Greeley station, and the needs of the public in and around Eaton can be adequately met from that station.

9. The Chamber of Commerce in Eaton is presently negotiating with the Union Pacific Railroad Company for use of this station as a museum and community meeting room in the event it is abandoned. It is hoped that some use of the building can be made so as to benefit the public in Eaton.

10. 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 application should be granted.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

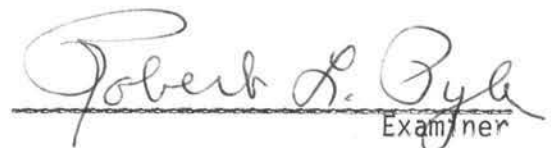
THE COMMISSION ORDERS THAT:

1. The Union Pacific Railroad Company pursuant to its Application No. 28557 be, and hereby is, authorized to discontinue and abandon the station agency at the Town of Eaton in Weld County, State of Colorado.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE CITY OF ENGLEWOOD, COLORADO, A)	
MUNICIPAL CORPORATION, FOR AUTHORITY	)	APPLICATION NO. 28474
TO WIDEN AND INSTALL SAFETY DEVICES)	
AT THE CROSSING AT A POINT WHERE THE)	
MAIN LINE OF THE ATCHISON, TOPEKA AND	)	RECOMMENDED DECISION OF
SANTA FE RAILWAY COMPANY AND THE	)	ROBERT L. PYLE, EXAMINER
DENVER AND RIO GRANDE WESTERN RAIL-)	
ROAD COMPANY CROSSES WEST DARTMOUTH)	
AVENUE NEAR THE INTERSECTION OF WEST	)	GRANTING APPLICATION
DARTMOUTH AVENUE AND SOUTH SANTA FE)	
DRIVE (U.S. HIGHWAY 85), ENGLEWOOD,)	
COLORADO.)	

- - - - -
November 24, 1975
- - - - -

Appearances: Rick DeWitt, Esq., Denver,
Colorado, for the City of
Englewood, Applicant;
Peter J. Crouse, Esq., Denver,
Colorado, for the Atchison,
Topeka & Santa Fe Railway
Company;
John S. Walker, Jr., Esq., Denver,
Colorado, for the Denver &
Rio Grande Western Railroad
Company; and
Oscar Goldberg, Esq., Denver,
Colorado, for the Commission.

PROCEDURE AND RECORD

The above-entitled application was filed with this Commission on July 1, 1975, to which the Commission assigned Docket No. 28474 and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

This is an application by the City of Englewood under the provisions of 40-4-106, CRS 1973, which provides for funding from the State Highway Crossing Protection Fund. The application seeks an order of this Commission authorizing the widening of the crossing and the construction, operation, and maintenance of certain safety devices (signals), and, more specifically, automatic grade crossing protection devices at the crossing of Dartmouth Avenue over the Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company tracks in the City of Englewood, State of Colorado. The tracks of these two railroad companies parallel each other at this particular point and are located approximately 150 feet apart. The application also seeks financial assistance and distribution thereof from the aforementioned Highway Crossing Protection Fund, administered by this Commission pursuant to 40-4-106 (2)(b), CRS 1973, as amended.

After due and proper notice to all interested persons, firms, or corporations, the matter was set for hearing on Thursday, October 23, 1975, 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.

There were no objections filed with the Commission, and no public witnesses appeared at the hearing. Testimony was taken from witnesses for the City of Englewood and from witnesses for the two railroads involved. Both railroad companies did appear at the hearing, not as Protestants, but as their interests might appear, and specifically with regard to the distribution of costs for the protection devices.

Exhibit Nos. 1 through 7 were tendered and admitted into evidence. Exhibit Nos. 8 through 13 were tendered and admitted into evidence only to the extent that they established the fact of train-car accidents at this intersection and to show traffic devices at the nearby intersection of Dartmouth Avenue and South Santa Fe Drive. Exhibit No. 14 was rejected, and Exhibit Nos. 15, 16, and 17 were admitted. At the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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 City of Englewood is a political subdivision of the State of Colorado located in Arapahoe County, with a present population of approximately 35,000 persons.

2. The tracks of the Atchison, Topeka and Santa Fe Railway Company (Santa Fe) and the tracks of the Denver and Rio Grande Western Railroad Company (Rio Grande) parallel one another approximately 150 feet apart along South Santa Fe Drive, also designated as U.S. Highway No. 85, all of which run generally in a north-south direction through the City of Englewood. Dartmouth Avenue runs east and west through the City of Englewood approximately two or three blocks north of Cinderella City, which is located at or near the heart of the business district in the City of Englewood. The South Platte River runs in a general north-south direction just to the west of South Santa Fe Drive.

3. There are only four east-west crossings from the City of Englewood onto South Santa Fe Drive (U.S. Highway No. 85), and that highway carries an extremely heavy amount of traffic over a distance of approximately two and one-half miles in the city. Any vehicular traffic coming from Englewood west or onto South Santa Fe Drive must, of a necessity, cross the two railroad tracks, and the Dartmouth Avenue crossing handles its share of that traffic. A traffic count reveals that 16,000 vehicles cross the tracks on Dartmouth Avenue each 24 hour period. A map of the City of Englewood depicting the several streets including railroad tracks along South Santa Fe Drive is identified as Exhibit No. 2 in this proceeding.

4. Automatic railroad signal devices are presently in place and in operation at the crossing. They are the standard type with flashing light and bell. The signal device is located off to the right side of the road approximately eight feet high. In addition to the standard railroad signals, there are standard overhead traffic signals located to the east of the Santa Fe track to control westbound vehicular traffic. Dartmouth Avenue has a single lane of traffic going in either direction. There have been four train-car accidents at this intersection since November of 1971; one of which was a fatality, two of which were property damage but no injury, and the fourth, an injury and property damage. There have also been 14 rear-end type accidents at the crossing and 58 accidents at the intersection of Dartmouth Avenue and South Santa Fe Drive during the same period of time.

5. Exhibit No. 3 is a drawing of the proposed upgrading of the crossings, as well as resignalization of the intersection at Dartmouth Avenue and South Santa Fe Drive. We are not here primarily concerned with the intersection of Dartmouth Avenue and South Santa Fe Drive; however, its nearness to the railroad crossing makes it something to be considered in this proceeding because of the need for railroad preemption of the traffic signals at the intersection.

6. The overall crossings (the two railroads and the intersection of South Santa Fe Drive and Dartmouth Avenue) are depicted by an artist's concept on Exhibit No. 5. Generally West Dartmouth Avenue is to be widened to five lanes, three lanes westbound and two lanes eastbound with a raised median separation. The signal devices at the railroad crossings will have the cantilever or overhead light so that someone in one of the inside lanes will be able to see them even though the right hand lane has traffic in it. Gates are also to be installed so that no vehicular traffic can be stopped and caught on the rails of the crossing. As an additional device, a bell is also to be used.

7. Dartmouth Avenue is a city street as distinguished from a state or Federal highway. The vehicular speed limit thereon is 30 miles per hour, and the train speed limit is 45 miles per hour. There are seven trains going in each direction each 24-hour period, or 14 trains going through the crossing per 24-hour period. By agreement between the Santa Fe and Rio Grande, they use each others' tracks so that all trains going north use the Santa Fe track and all trains going south use the Rio Grande track.

8. The cost of the entire improvement project is estimated at \$263,321. However, since the City of Englewood is paying for all roadway improvements, as well as the resignalization of the intersection of Dartmouth Avenue and South Santa Fe Drive, there is only \$118,310 of this figure allocated to railroad crossing protection devices. Broken down, the signalization of the Santa Fe crossing is estimated at \$55,340 and the signalization of the Rio Grande crossing is estimated at \$62,970.

9. The crossing of Dartmouth Avenue over the Rio Grande track will be protected by two standard cantilever flashing light units with short-arm gates and a warning bell. The flashing light units will have 12-inch roundels. Track circuiting will provide a minimum of 25 seconds warning time for the approach of a train in either direction. Only through train movement occurs over the Rio Grande track, therefore, motion sensing equipment is not required. The Santa Fe track crossing will also be protected by two standard cantilever flashing light units with short-arm gates and a warning bell. The flashing light units will have 12-inch roundels. Track circuiting will provide a minimum of 25 seconds warning

time for the approach of a train in either direction. The Santa Fe installation will include a bi-directional motion sensor system, which will limit signal activation to train movement toward the crossing providing minimum motorist delay when intermittent train operation occurs near the crossing. The Santa Fe and Rio Grande signal systems will be interconnected with each other and with the traffic signals at the intersection of Dartmouth Avenue and South Santa Fe Drive. Railroad preemption of the traffic signals will give a 15-second green clearance signal for westbound vehicle traffic on Dartmouth Avenue to allow any motorists stopped on the tracks sufficient time to clear the railroad tracks before the train arrives at the crossing. All other traffic signals will display a red aspect during the 15-second clearance phase. At the end of the initial 15-second clearance phase, the red aspect will be displayed for all traffic movement on Dartmouth Avenue over the crossing until after the train has cleared. Then normal traffic signal sequencing will return.

10. Under 40-4-106, CRS 1973, there are three basic issues to be determined by the Commission in a proceeding such as this. The first is whether the existing crossing should be widened, secondly is whether or not there is a need for the proposed crossing protection devices, and thirdly is how the money for the costs of installing said devices is to be allocated. From the evidence, it is readily determinable that there is an urgent and immediate need for the proposed widening and for the protection devices so as to protect the public; who, by necessity, must routinely cross the railroad tracks at the particular points involved in this proceeding. As to the third issue; namely, how the costs of installation are to be allocated between the Highway Crossing Protection Fund, the railroads involved, and the City, the law is quite clear that the Commission shall make this determination on the basis of benefit taking into account the private benefit derived from the railroad crossing protection devices and make allocations accordingly. In the case of Union Pacific Railroad Company vs. The Public Utilities Commission of the State of Colorado, 170 Colo. 514, (1969), it is stated that the

"Commission should have the power to allocate cost to the railroad according to benefit derived, subject only to the qualification that in no case could the cost allocated to the railroad be less than 10 percent of the total cost of protecting the crossing..."

Inasmuch as the Highway Crossing Protection Fund comes from public funds, the benefit to the public is, of course, to be considered as coming from said fund. The balance must be borne by the political subdivision and the railroads involved.

11. It is found as a matter of fact that the railroads involved in this proceeding (the Santa Fe and the Rio Grande) will not receive any specific benefit by having the upgraded protective devices at the crossing herein involved, one of the reasons being that the crossing is already protected by a warning light and bell, which is adequate protection for a two-lane roadway. The major and primary benefit from the upgraded crossing devices, as well as the widening of the roadway, will enure to the benefit of the City of Englewood in allowing it to better move traffic in and out of the city, together with the benefit of the public of the State of Colorado, who, in theory, are the owners of the Highway Crossing Protection Fund. For these reasons, each of the railroads should be

assessed 10 percent of the cost of the protection devices at their respective crossing. The City of Englewood should be assessed 30 percent of each such installation, and the balance of 60 percent of each such installation should be paid from the Highway Crossing Protection Fund.

12. The railroads will at their own expense perform continuing maintenance work of the protection devices, which is specified by statute.

13. No part of the cost for the proposed signal devices will be paid from funds available under any Federal or Federal Aid Highway Act.

14. Because of the public safety involved herein and the great need and necessity for upgraded safety protection devices at this crossing, time is of the essence and said devices should be installed as soon as is reasonably possible.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Such devices as herein contemplated are required so as to promote the public safety.

2. The order sought in the instant application should be granted and the actual costs of the crossing signal installations prorated as follows:

- (a) 10 percent to each of the railroads involved (Santa Fe and Rio Grande) for their respective installation;
- (b) 30 percent of each installation to the City of Englewood; and
- (c) 60 percent of each installation to the Highway Crossing Protection Fund.

3. Continuing maintenance work should be performed by the railroad companies at their own expense for the life of the crossing so protected.

4. The signal devices and installation shall be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection and/or in accordance with the plans and specifications heretofore submitted to the Commission in this proceeding.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

1. The City of Englewood is authorized and directed to widen Dartmouth Avenue at the crossing over the Atchison, Topeka and Santa Fe

Railway Company track at railroad milepost 729 + 5100 feet and over the Denver and Rio Grande Western Railroad Company track at railroad milepost 6.98 in the City of Englewood, State of Colorado, designated and known as the Dartmouth Avenue crossings.

2. The Atchison, Topeka and Santa Fe Railway Company and the Denver and Rio Grande Western Railroad Company upon the application of the City of Englewood, State of Colorado, are each authorized and directed to install, operate, and maintain automatic railroad grade crossing protection devices at their respective grade crossings on Dartmouth Avenue, being a public street in the City of Englewood, State of Colorado, which shall consist of two standard cantilever flashing light units with short-arm gates and a warning bell. The flashing lights shall have 12-inch roundels. Track circuiting shall provide a minimum of 25 seconds' warning time before a train enters the crossing from either direction. The Santa Fe installation shall include a bi-directional motion sensor system. The Rio Grande and the Santa Fe signal systems shall be interconnected to each other and to the traffic signals at the intersection of Dartmouth Avenue and South Santa Fe Drive.

3. The installation, operation, and maintenance of the crossing protection devices shall be done by each of the respective railroad companies at the respective crossings of each; the estimated cost of installation for the Atchison, Topeka and Santa Fe Railway Company being \$55,340 and the estimated cost of the Denver and Rio Grande Western Railroad Company being \$62,970.

4. A fair, just, and equitable distribution of the total actual cost of the installation of the proposed automatic railroad devices shall be as follows:

- (a) The Atchison, Topeka and Santa Fe Railway Company shall contribute 10 percent of its own funds for the costs of its installation and shall thereafter operate and maintain said crossing devices.
- (b) The Denver and Rio Grande Western Railroad Company shall contribute 10 percent of its own funds for the costs of its installation and shall thereafter operate and maintain said crossing devices.
- (c) The City of Englewood shall pay 30 percent of each installation; and, upon completion of the proposed work, an itemized statement of the actual costs and a bill covering 30 percent thereof shall be forwarded by each of the respective railroads to the City of Englewood, which bill shall be paid by the City of Englewood to the particular railroad involved.
- (d) The remainder of the actual costs of each installation (60 percent) shall be paid from the Highway Crossing Protection Fund. Upon completion of the proposed work, an itemized statement of the actual costs and a bill covering 60 percent thereof shall be forwarded by each of the respective railroads to the Commission, which bill shall be paid to each of said railroads after audit and verification of the signal installation.

5. The signal devices and installation shall be in conformance with the current Bulletin of the Association of American Railroads' Joint Committee on Railroad Crossing Protection except for the use of 12-inch roundels.

6. The material for the installation shall be ordered upon the effective date of this Order, and work shall be commenced within ninety (90) days of the effective date of this Order. Said safety protection devices shall be installed and fully operative within not less than six (6) months from the effective date of this Order.

7. The Commission hereby retains jurisdiction to make such further order or orders as may be required so as to give this decision full force and effect.

8. 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.

9. As provided by 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

(Decision No. 87810)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
GALE J. UPTON, DOING BUSINESS AS)	APPLICATION NO. 28536-PP
"LONGMONT MOBILE HOME SALES AND)	
SERVICE," 129 SOUTH MAIN STREET,)	RECOMMENDED DECISION OF
LONGMONT, COLORADO, FOR A CLASS "B")	ROBERT L. PYLE, EXAMINER
PERMIT TO OPERATE AS A CONTRACT)	
CARRIER BY MOTOR VEHICLE FOR HIRE.)	DENYING APPLICATION

November 24, 1975

Appearances: Jerome R. Cross, Esq., Denver,
Colorado, for Gale J. Upton,
doing business as "Longmont
Mobile Home Sales and Service,"
Applicant;
Thomas J. Burke, Esq., Denver,
Colorado, for Morgan Drive-
Away, Inc., Protestant;
Harold D. Torgan, Esq., Denver,
Colorado, for A. D. Thorson
and Ileen M. Thorson, doing
business as "Colorado Mobile
Home Service," Protestant;
John P. Thompson, Esq. and
Raymond M. Kelley, Esq., Denver,
Colorado, for Barrett Mobile
Home Transport, Inc.,
Protestant.

PROCEDURE AND RECORD

Under date of July 23, 1975, Applicant filed the above-entitled application and also requested emergency temporary authority and temporary authority. By Commission Decision No. 87232, dated July 29, 1975, and Commission Decision No. 87303, dated August 12, 1975, said requests for emergency temporary authority and temporary authority were denied by the Commission.

Docket No. 28536-PP was assigned to the application, and due notice was given in accordance with the provisions of 40-6-108, CRS 1973. Protests were duly filed by the carriers listed above in the Appearances. After due and proper notice to all interested parties, the application was set for hearing on Wednesday, November 12, 1975, 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 called to hearing by Examiner Robert L. Pyle, to whom it was duly assigned. At the time the case was called for hearing, Counsel for Protestant Barrett Mobile Home Transport, Inc., moved for a continuance of the hearing on the grounds that Applicant failed to timely respond to written interrogatories submitted by said Protestant and thereby made it impossible for Protestant to adequately prepare for the hearing. Good and sufficient

grounds having been shown, the matter was continued to Friday, November 14, 1975, to commence at 9:30 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, at which date and place the matter was concluded.

Prior to the taking of evidence, Applicant moved to amend its application so as to strike from the six named customers the following customers: C. M. I. Corporation, First Federal Savings and Loan, Atlas Surety Corporation, and D. & L. Mobile Homes. This left two of the originally named customers, Sebrite Corporation of Boise, Idaho, and Foremost Insurance Company of Denver, Colorado. The amendment, being restrictive in nature and not changing the substance of the application, was accepted; however, all Protestants did, in fact, remain parties to the proceeding.

Exhibits 1 through 15 were tendered and admitted into evidence, and testimony was taken from the Applicant, from each of the proposed customers, and from each of the Protestants. At the conclusion of the Applicant's case, Protestants moved to dismiss the application on the grounds that Applicant failed to prove a prima facie case. Said motion was taken under advisement; and, in view of the findings, conclusions, and order in this proceeding, said motion is moot and therefore not ruled upon. Protestants did proceed to place their testimony in the record; and, at the conclusion of the hearing, the subject matter was taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing 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 "Longmont Mobile Home Sales and Service." Applicant offices in the City of Longmont, Colorado, where he operates a mobile home service and repair, as well as sales, business. Applicant presently holds no authority from this Commission.

2. By this application as amended, Applicant seeks a Class "B" permit to operate as a contract carrier by motor vehicle for hire in intra-state commerce with authority for:

Transportation, on call and demand, of

(1) Mobile Homes and other types of trailers, designated to be drawn by passenger automobiles or tow trucks-----
between all points within the State of Colorado.

(2) Modular units and buildings, in sections or as one structure, mounted on wheeled undercarriages, or readily adaptable to be mounted on wheeled undercarriages-----
between all points within the State of Colorado.

(3) Camper tops, camper shells, and motorized, mobile camper units and motor homes-----between all points within the State of Colorado.

RESTRICTIONS: This certificate is restricted as follows:

(A) To the transportation of units described above that have been at least once previously sold, and which at the time of transportation are used and/or repossessed.

(B) To transporting under individual or longterm contracts units as described above the the following customers:

(i) Sebrite Corporation
Box 5714, or Box 5599, 2417 Bank Dr.
Boise, Idaho 83705

(ii) Foremost Insurance Company
8333 Greenwood Dr., Suite 2A
Denver, Colorado 80221

3. The first named customer; namely, Sebrite Corporation, is a collection agency for banks and other lending institutions but primarily works at the direction of insurers of loans, as in this particular case, Foremost Insurance Company, as well as others. Sebrite Corporation operates in several states and particularly throughout the State of Colorado. Its primary function is that of repossessing and thereby reclaiming property (in this instance mobile homes) wherein the debtor has defaulted on his loan from the lending institution. Pursuant to the testimony in this proceeding, Sebrite Corporation works as a "sister company" with Foremost Insurance Company in repossessing the property that has been used to secure a loan from the lending institution. It must be pointed out that the two companies (Sebrite Corporation and Foremost Insurance Company) are not, in fact, sister companies but work closely together in their endeavors. Sebrite Corporation, as a collection agency for banks and loan insurers, receives its fees at the time the loan is made by the lending institution. Apparently it receives a fee on every loan made by such lending institution as might be its customers. In return for this fee, Sebrite Corporation comes into the picture as soon as there is a default on the loan. It obviously makes an attempt to collect the sums due from the debtor; and, if this fails, the property is repossessed. After repossession the insurance carrier, who insures the loan, takes over.

4. The second named customer (Foremost Insurance Company) insures individual banks or lending institutions against losses on loans including loans on mobile homes. Apparently most of such loans are, in fact, insured by the lending institution; and, when a default occurs, pursuant to the terms of the insuring contract, the insurance company (in this instance Foremost Insurance Company) takes over the repossessed property, decides what repairs are to be made, pays off the bills, and arranges for the resale of the secured property. The insuring carrier such as Foremost sets the price for the resale; and, if necessary, directs that the commodity be moved to another area where there may be a better market for the product. Such insurance carrier has, of course, paid off its insuring obligation to the lending institution and retains any funds realized from the resale of the repossessed property.

5. As indicated above, Applicant is in the business of servicing, repairing, and selling mobile homes and desires this authority so as to enable him to transport used mobile homes and other types of trailers, modular units and buildings, camper tops, camper shells, motorized mobile camper units, and motor homes, between all points in the State of Colorado. Pursuant to testimony in this proceeding, most of such transportation would be commodities which have been repossessed such as described above.

Applicant would get a directive from Sebrite Corporation to transport the repossessed unit from its location to Applicant's service repair and sales lot in Longmont, Colorado. Sebrite Corporation as the shipper would direct Applicant to go to the county seat wherein the commodity is located, pay off any delinquent taxes, and then proceed to the lot or mobile home park wherein the commodity is located, pay off any back rent, unskirt the unit, winterize the unit if necessary, and tow that unit to Applicant's lot in Longmont, Colorado. Once the unit reaches Applicant's lot, Foremost Insurance Company comes into the picture, decides what repairs if any, will be made, sets a resale price on the unit, and pays off the bills, which would include not only the towing bill but also taxes, rental and repair. If Foremost Insurance Company decides that the market for resale of the unit may be better in another community or area, it will direct that the trailer be moved from Applicant's lot to the other community or area. Applicant would desire to perform this service, as well as towing the unit to the desired location of someone who may purchase the unit directly from him.

6. Although there was some confusion in the testimony as to the exact figures, Applicant receives 100 percent of his business from Sebrite Corporation and Foremost Insurance Company, and Applicant also receives 80 to 85 percent of the business of said Sebrite Corporation and Foremost Insurance Company. The major portion of Applicant's income is from the service and repair of repossessed units, and any revenue from transportation or towing such commodities would be an extra source of income to Applicant. In fact, Applicant admitted that any "towing revenue" he might get would impair existing carriers and would deprive existing common carriers from obtaining said revenue. Applicant further admitted that by obtaining the authority requested, the only change in his business would be the additional income he might obtain by reason of towing the commodity from its place of location to his lot in Longmont, Colorado.

7. Although Applicant would be performing ancillary duties in conjunction with the "for hire transportation" authority requested, such ancillary duties are readily distinguishable from the transportation authority requested. In other words, the actual towing of the commodity can just as easily be done by anyone else without any affect on the customers (Sebrite Corporation and Foremost Insurance Company) and without any affect upon the business operated by Applicant. Further, the protesting carriers all perform the same ancillary duties, except service and repair as that proposed by Applicant (e.g. pay off back taxes and rent and winterizing the unit) whenever requested to do so.

8. Applicant's Exhibit Nos. 4 and 5 are freight bills and summaries of transportation of repossessed units which actually demonstrate that the proposed customers can and do operate very adequately by using existing common carriers and that the proposed customers (Sebrite Corporation and Foremost Insurance Company), who obviously control a great deal of the business described above particularly in the field of repossession, do, in fact, use existing common carriers. Both of the proposed customers stated that they did not care who performed the transportation. Neither of these customers had any complaints about the service of the existing common carriers, and neither of said customers would be willing to enter into a binding contract with Applicant for the proposed transportation services.

9. Applicant does have adequate and sufficient equipment for the performance of the transportation proposed and does have ample experience; however, there was no testimony whatsoever as to Applicant's knowledge of the rules and regulations of the Commission or his willingness to abide by said rules and regulations. In fact, although it is known that Applicant has no existing authority, he has performed some illegal operations.

10. Applicant's Exhibit No. 1 is the only financial statement submitted by the Applicant and it is noted therein that a net worth of \$57,307 is indicated. However, the liabilities listed on said financial statement, admittedly do not include any notes payable or to become due over one year from the date of said financial statement. In other words, Applicant admittedly did not include debts due and payable after July 21, 1976, and there is no way of telling what those debts might be. Therefore, there is no way to establish the net worth of Applicant. It is found that Applicant failed to establish that he has sufficient net worth so as to operate the authority requested.

11. All three Protestants are common carriers, who hold authority authorizing them and each of them to perform the service requested by Applicant in this proceeding. Protestant Barrett Mobile Home Transport, Inc., which operates in the State of Colorado, under Certificate of Public Convenience and Necessity PUC No. 3016, amply established that the granting of this application would, in fact, impair its efficient service to the public. As demonstrated in Exhibit No. 6, out of a total revenue of approximately \$34,000 in the period of from May 6, 1975, to October 16, 1975, this Protestant developed \$5,056.24 from or in performing services for Sebrite Corporation and Foremost Insurance Company. This represents approximately 14.5 percent of this Protestant's total Colorado revenue for the same period of time.

12. Protestant Barrett Mobile Home Transport, Inc., demonstrated that its projected gross revenue for the year 1975 is down approximately 30 percent from 1974. This Protestant also established that the mobile home building industry in the United States is down more than 50 percent in 1975 as compared to 1972. In 1972 approximately 580,000 mobile home units were built and placed into the market. In 1975 this figure dropped to 258,000 units.

13. Protestant Thorson, doing business as "Colorado Mobile Home Service," established that it owns and operates Certificate of Public Convenience and Necessity PUC No. 2649, which is in conflict to the authority requested by Applicant, but said Protestant failed to establish that the granting of this application would, in fact, impair its efficient service to the public.

14. Protestant Morgan Drive-Away, Inc., established that it holds Certificate of Public Convenience and Necessity PUC No. 2723, which would authorize it to perform the same services as that proposed by Applicant; and, in fact, said Protestant did establish that from April 25, 1974, through July 19, 1974, it generated total revenue of \$4,959.26 through Sebrite Corporation, which would be subject to diversion if this authority is granted. It is generally felt that the industry is down and therefore transportation of this particular commodity is down. This Protestant established that its efficient public service would be impaired if the application were granted.

15. It is particularly noted that there were no complaints whatsoever about existing services. In fact, it must be concluded from the testimony that existing service is adequate and quite satisfactory.

16. It is found that the granting of this application would not be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. Applicant failed to establish that he was fit financially and otherwise to operate the authority requested.

2. Applicant failed to establish that there was any special need for the service.

3. It was shown by Protestants and particularly Protestants Barrett Mobile Home Transport, Inc., and Morgan Drive-Away, Inc., that the granting of the application would impair the efficient public service of said protesting common carriers transporting the same commodity in the same general area.

4. The application should be denied.

5. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Application No. 28536-PP, being the application of Gale J. Upton, doing business as "Longmont Mobile Home Sales and Service," 129 South Main Street, Longmont, Colorado, for a Class "B" permit to operate as a contract carrier by motor vehicle for hire, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

(Decision No. 87811)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF	)	APPLICATION NO. 28420
TERRENCE E. SMITH, JANET FAY SMITH,)	
DOING BUSINESS AS "FRASER VALLEY JEEP)	
TOURS," P. O. BOX 66, FRASER,	)	RECOMMENDED DECISION OF
COLORADO, FOR A CERTIFICATE OF PUBLIC	)	ROBERT E. TEMMER,
CONVENIENCE AND NECESSITY TO OPERATE	)	EXAMINER
AS A COMMON CARRIER BY MOTOR VEHICLE)	
FOR HIRE.	)	GRANTING APPLICATION

November 24, 1975

Appearances: Terrence E. Smith and
Janet Fay Smith, Fraser,
Colorado, Applicants,
pro se;
Donald N. Drake and
Dean Oden, Hideaway Park,
Colorado, representatives
of Grand Country U.S.A.
Transportation, Inc.,
Protestant.

PROCEDURE AND RECORD

On May 14, 1975, Terrence E. Smith and Janet Fay Smith, doing business as "Fraser Valley Jeep Tours," hereinafter referred to as Applicants, 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 services as specifically set forth in said application.

Applicants requested temporary authority, and the Commission on July 15, 1975, issued Decision No. 87136 granting Applicants' request for temporary authority.

The Commission assigned Docket No. 28420 to the application and gave due notice in accordance with the provisions of 40-6-108, CRS 1973.

On July 7, 1975, Grand Country U.S.A. Transportation, Inc., hereinafter referred to as Protestant, filed its protest to the request for temporary authority and to the application for permanent authority.

The application was set for a hearing to be held on Wednesday, October 15, 1975, at 10 a.m. in the Community Building, 507 Aspen Street, Hot Sulphur Springs, Colorado. Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held at the said time and place by Examiner Robert E. Temmer, to whom the matter had been duly assigned.

Exhibits 1 through 5 were marked for identification and admitted into evidence. Testimony was received from witnesses on behalf of Applicants and Protestant. Official notice be, and hereby is, taken of Certificate of Public Convenience and Necessity PUC No. 7137, Commission Decision Nos. 82458 and 82487, and of the application and attachments thereto filed by the Applicants in this matter.

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

Pursuant to the provisions of 40-6-109, CRS 1973, 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. Applicants are individuals and will operate as a partnership under the name of "Fraser Valley Jeep Tours."
2. Applicants in this matter propose to operate a public utility as defined in Title 40, CRS 1973.
3. This Commission has jurisdiction over the Applicants, Protestant, and the subject matter of this proceeding.
4. Applicants do not hold any previously granted authority from this Commission other than the temporary authority mentioned in Procedure and Record, supra.
5. Applicants own a 1969 7-passenger Land Rover, Model 88, Series 2A, 4-cylinder, 4-wheel drive vehicle. Applicants will add more equipment if the need arises. Applicants' present equipment is sufficient and suitable for the operation of the authority applied for herein.
6. Applicants' net worth is approximately \$10,550. Applicants' net worth is ample and suitable for the operation of the authority applied for herein.
7. Applicants do not have any previous experience in the transportation industry, other than the experience they have gained while operating under the temporary authority granted to them by this Commission. Applicants have both lived in the area sought to be served for substantial periods of time and are familiar with the area and its history. Applicants' experience is suitable for the operation of the authority applied for herein.
8. Applicants are familiar with the rules and regulations of the Public Utilities Commission and, if this application is granted, will abide by the rules and regulations of this Commission, as well as the safety requirements of the Commission. Applicants have and will continue to make adequate provision for insurance.
9. There is presently no active 4-wheel drive sightseeing service in the area Applicants intend to serve. Protestant does hold sightseeing authority, which would overlap, to some extent, the authority requested by Applicants. Protestant's sightseeing authority is restricted against

the use of 4-wheel drive vehicles, and Applicants' requested authority would be limited to providing sightseeing service in 4-wheel drive vehicles. Therefore, Applicants are requesting authority to provide a service which Protestant cannot legally provide. Protestant contended that under its taxicab authority it can and does use 4-wheel drive vehicles. However, Applicants are not requesting taxicab authority, and Protestant cannot legally provide sightseeing services in 4-wheel drive vehicles under the taxicab portion of its authority.

10. There is a need for the type of service Applicants propose to offer. Lodge owners would be benefited by the service, and the area to be served would benefit because it is a resort area and this would provide a tourist attraction for the area. There are a number of tourist facilities, and tourists would take the tours that Applicants would offer pursuant to the authority requested in this application, and they need someone to take them on these tours. Applicants' proposed service would fill the need.

11. All trips would terminate at the same point that the trip started from, and the service to be provided would not be in the nature of a point-to-point taxicab service.

12. The present and future public convenience and necessity requires and will continue to require the granting of the authority as hereinafter set forth, and the granting of the application would be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The authority sought by Applicants should be granted as hereinafter set forth.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. Terrence E. Smith and Janet Fay Smith, doing business as "Fraser Valley Jeep Tours," P.O. Box 66, Fraser, Colorado 80442 be, and hereby are, authorized to operate as a common carrier by motor vehicle for hire for the following to-wit:

Transportation -- on call and demand -- in sightseeing service -- of

Passengers

Between all points within that portion of Grand County, Colorado, lying south of a line drawn due east from the west boundary line of Grand County, Colorado, through the intersection of U.S. Highway No. 34 and No. 40 near Granby, Colorado, to the east boundary line of Grand County, Colorado.

RESTRICTIONS:

This Certificate is restricted as follows:

- (a) To the use of 4-wheel drive vehicles with a rated seating capacity not to exceed seven passengers;
- (b) All transportation performed under this Certificate shall be roundtrips which shall both originate and terminate at the same point.

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 the effective date of this Order.


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 this 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner

ds/vc

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

November 28, 1975

Appearances: William Fuchs, Silverton,
Colorado, in behalf of
Silverton Collection Agency,
Inc., Respondent;
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 October 27, 1975. The matters were duly called for hearing pursuant to such notice on Monday, November 10, 1975, at 10 a.m. in the Commission Hearing Room, Columbine Building, 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 on "Appendix A" hereto appeared at the hearing, except as noted in the "Appearances" above.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 herein.
2. The said Respondents, and each of them, with the exception of the above-mentioned Respondent, without good cause shown, failed to appear as lawfully ordered by the Commission.

CONCLUSIONS ON FINDINGS OF FACT

Based on the foregoing 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/or failure, without good cause shown, to appear at the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
McCarter Truck Lines, Inc. 702 East 10th Street Topeka, KS 66206	754-I	3163-Ins.
City Wide Rubbish Removal, Inc. c/o Davis L. Morton, Esq. Suite 302, 1430 Havana Street Aurora, CO 80010	3312	3164-Ins.
AAA Transfer & Storage Co., Inc. 324 West Cucharras Street Colorado Springs, CO 80903	3345 & I	3165-Ins.
Cowboy Trash Disposal System, Inc. dba Cowboy Transfer & Storage, Inc. 1409 South Federal Boulevard Denver, CO 80219	3741	3166-Ins.
P. E. Hutchison 328 East 2nd Medicine Lodge, KS 67104	5485-I	3167-Ins.
Dean B. Casselman Box 297 Haxtun, CO 80731	6071-I	3169-Ins.
Magee Truck Service, Inc. 18101 SE McLoughlin Boulevard Milwaukie, OR 97222	6583-I	3170-Ins.
C. E. Griffin, Jr. 704 Hawkins Street Wake Village, TX 75501	7578-I	3173-Ins.
James V. Leek dba Jim Leek R. R. #3 Ogden, IA 50212	8630-I	3177-Ins.
The Silverton Collection Agency, Inc. P.O. Box 304 (964 Greene Street) Silverton, CO 81433	8643	3178-Ins.
Steve Caldwell Route 1, Box 36 Adams, OR 97810	8854-I	3179-Ins.
W. H. Robertson Route 4, Box 179A Bowie, TX 76230	8919-I	3180-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>
Russell Trent 2222 North Pan Am, Box 10046 San Antonio, TX 78210	9112-I	3181-Ins.
Guyton, Inc. Box 1241 Downing, CA 90240	10015-I	3182-Ins.
American Trans-Freight, Inc. P.O. Box 499 South Bound Brook, NJ 08880	9254-I	3183-Ins.
James L. Gustafson Box 23 Wilcox, NE 68982	9335-I	3184-Ins.
R & S Trucking, Inc. RR No. 2, Box 107A Sioux Falls, SD 57104	9431-I	3185-Ins.
Robert Crocket, Inc. 102 Crescent Avenue Chelsea, MA 02150	9496-I	3186-Ins.
Neddie and Roosevelt Baca dba Baca Bros. Route 1, Box 360F Belen, NM 87002	9687-I	3187-Ins.
Donald Mumma 7985 Co. Road 250 Salida, CO 81201	9802-I	3188-Ins.
Frank Ogden dba Ogden Wholesale Box 23 Springfield, CO 81073	9886-I	3189-I
Thomas L. Hastreiter Route 2 Humphrey, NE 68642	9941-I	3191-Ins.
Jerry Neal Neisler dba Hi 40 Truck Center Box 84 Lexington, TN 38351	10042-I	3193-Ins.
Richard O. O'Dell dba Pegasus Stage Lines 1226 Vivian Street Longmont, CO 80501	10054	3194-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>
Emmett Elliott, Jr., and Charles Ward dba Ward & Elliott Route No. 2 Downing, MO 63536	10093-I	3195-I
Ted Kitzman and Melvin Bell dba Pollution Services Company 10 Minnesota Avenue Savage, MN 55104	10330-I	3199-Ins.
Floyd M. Moser Route 1 Peyton, CO 80831	B-5901	3200-Ins.
William G. Brewer dba Brewer Logging Co. 637 East 7th Craig, CO 81625	B-7619	3202-Ins.
Andy Barela 481 Worth Street Center, CO 81125	B-7947	3204-Ins.
Paul C. Morgan 225 Harrison Avenue Loveland, CO 80537	B-8034	3205-Ins.
Edmund Cardoza 1737 Palisade Street Grand Junction, CO 81501	B-8078	3206-Ins.
William H. Tatro, Jr. Box 917, 214 Harris Breckenridge, CO 80424	B-8132	3207-Ins.
Leland A. Beeken 140 - 23rd Avenue Greeley, CO 80631	B-8159	3208-Ins.
Dorvin Ray Neuberger dba R & L Trucking 3268 E. Road, Space No. 21 Clifton, CO 81520	B-8249	3209-Ins.
Frank McCowan, Jr. dba Franks Auto Towing 301 Pearl, Apt. 3 Boulder, CO 80302	T-49	3211-Ins.
Globeville Towing, Inc. 4233 Thompson Court Denver, CO 80216	T-820	3212-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>
R. H. Rutherford dba R & R Standard 1899 South Sheridan Boulevard Lakewood, CO 80226	T-927	3213-Ins.
Dan Esparza dba Century Towing of Denver 1970 South Holly Street Denver, CO 80222	T-1075	3214-Ins.
Merel T. and Viola Meyer dba Meyer Bros. Hatchery 719 7th Street Greeley, CO 80630	M-390	3215-Ins.
Edmund Cardoza 1737 Palisade Street Grand Junction, CO 81501	M-1653	3216-Ins.
Irvin Nelson Newberry 400 South 4th Street Montrose, CO 81401	M-2061	3217-Ins.
George Heming and James Pettibone dba Royal Enterprises 2528 West Cucharas Colorado Springs, CO 80904	M-2837	3218-Ins.
C. Fry Equipment Co., Inc. 1117 North Powers Boulevard Colorado Springs, CO 80915	M-3599	3220-Ins.
James Breit dba B & B Construction Box 163, 2 miles east Hwy. 52 from Fort Lupton Fort Lupton, CO 80621	M-3669	3222-Ins.
Arthur Leroy Babcock Box 251 Penrose, CO 81240	M-4374	3223-Ins.
John Solony Eden Woodwork and Carpenter Shop Route 3, Box 244-A Pueblo, CO 81004	M-5108	3225-Ins.
Donald Mumma Box 537 Salida, CO 81201	M-5922	3227-Ins.
Mervin Bergsten dba Merv's Bulk Plant Cope, CO 80812	M-7303	3231-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>
John Silengo 920 Mulberry Canon City, CO 81212	M-7718	3232-Ins.
Franklin Ogden dba Ogden Wholesale Box 23 Springfield, CO 81073	M-7843	3233-Ins.
Wilburn H. Mize dba W. H. Mize Produce & Feed Co. No. 7 Diana Drive Little Rock, AR 72204	M-7996	3234-Ins.
William C. Lockhart dba Craig Furniture Co. Box 1102, 468 Ranney Craig, CO 81625	M-8280	3235-Ins.
James A. Starr dba Starr Ranch RR Austin, CO 81401	M-8671	3236-Isn.
Albert J. Rauzi dba Quality Custom Catering 5791 West 2nd Avenue Denver, CO 80212	M-8767	3238-Ins.
Elmer R. Hilt 1735 Clinton Aurora, CO 80010	M-8927	3239-Ins.
Gibson Products Co. of Farmington, Inc. dba Gibson's Discount Center 130 Washington S. E. Albuquerque, NM 87108	M-9512	3240-Ins.
Keith M. Johnson dba I. B. S. of the Rockies P.O. Box 1392 Englewood, CO 80110	M-9754	3241-Ins.
Mike A. Duoto P.O. Box 626 Lyons, CO 80540	M-10223	3242-Ins.
Stanley S. and Della M. Pelley 828 South Pennsylvania Street Denver, CO 80209	M-10318	3243-Ins.

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

(Decision No. 87813)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
THE CITY OF PUEBLO, A MUNICIPAL)
CORPORATION, AND THE DILL HAHN)
COMPANY FOR AUTHORITY TO CONSTRUCT)
A NEW OVERPASS GRADE CROSSING AT)
DILLON DRIVE AND FOR RELIEF FROM)
THE REQUIREMENT TO ALTER AND IMPROVE)
THE EXISTING GRADE CROSSING AT 40TH)
STREET TO INCLUDE AUTOMATIC DETECTING)
DEVICES, ALL IN THE CITY OF PUEBLO,)
AND CROSSING THE TRACKS OF THE)
DENVER AND RIO GRANDE RAILROAD)
COMPANY, LOCATED IN THE CITY OF)
PUEBLO, STATE OF COLORADO.)

APPLICATION NO. 28776

ORDER GRANTING
DISMISSAL OF APPLICATION

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 21, 1975, Applicants The City of Pueblo and The Dill Hahn Company, filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

The Commission finds and concludes that proper grounds exist for granting the request.

An appropriate order will be entered.

O R D E R


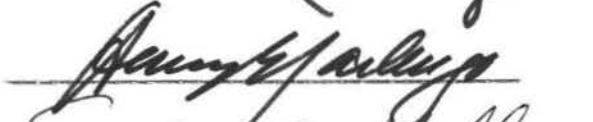
THE COMMISSION ORDERS THAT:

The City of Pueblo and The Dill Hahn Company are granted permission to withdraw the above-captioned application, and the application be, and hereby is, dismissed.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LEONARD SANDERS, DOING BUSINESS AS)
"LEONARD SANDERS & SONS," 1703 EAST)
ORMAN AVENUE, PUEBLO, COLORADO,)
FOR AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 5082 TO RAYMOND)
AND LORENZO DELGADO, DOING BUSI-)
NESS AS "LAWRENCE TRASH SERVICE,")
1219 TAYLOR AVENUE, PUEBLO,)
COLORADO.)

APPLICATION NO. 28567-Transfer

ORDER OF THE COMMISSION

- - - - -
December 2, 1975
- - - - -

Appearances: Joseph J. Lenihan, Esq., Pueblo, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 5082, as granted by Commission Decision No. 81378 dated September 26, 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.

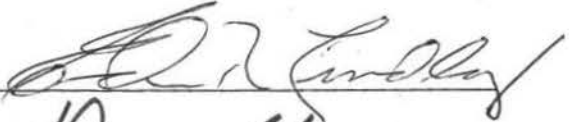
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUSSELL L. SHORT, DOING BUSINESS AS)
"R. L. SHORT CUSTOM HARVESTING,")
BOX 42, SEIBERT, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28748-PP

ORDER OF THE COMMISSION

- - - - -
December 2, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


EDYTHE S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87815
December 2, 1975

R. L. Short Custom Harvesting

Transportation of

Farm products

Between all points located within the Counties of Kit Carson, Lincoln, Cheyenne, Kiowa, Prowers, Baca, Washington, Yuma, Elbert, Arapahoe, Adams, Morgan, Logan and Weld, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation of livestock, bulk milk and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28752-PP
MARK L. STARK, 584 SOUTH WASHINGTON)	
STREET, DENVER, COLORADO, FOR)	ORDER OF THE COMMISSION
AUTHORITY TO OPERATE AS A CLASS "B")	
CONTRACT CARRIER BY MOTOR VEHICLE.)	

December 2, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners

md

Appendix
Decision No. 87816
December 2, 1975

Mark L. Stark

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)
CLIFFORD JOE PITTINGTON, II, P.O.)
BOX 283, WALDEN, COLORADO, FOR)
AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT NO.)
B-8571.)

APPLICATION NO. 28771-PP-Extension

ORDER OF THE COMMISSION

December 2, 1975

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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-8571 to include the following:

"Transportation of

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

From pits and supply points in the State of Colorado to road jobs, mixer and processing plants within 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 of origin."

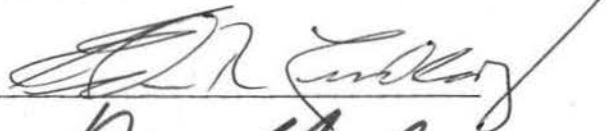
IT IS FURTHER ORDERED, That henceforth the full and complete authority under said Contract Carrier Permit, as extended, shall read and be as set forth in the Appendix attached hereto and this Order shall be deemed to be, a PERMIT therefor.

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.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHER S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87817
December 2, 1975

Clifford Joe Pittington, II

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: Items No. (1) and (2) of this Permit are 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 of origin.

(3) 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.

(4) 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.

(5) Sand, gravel, dirt and stone

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

(6) Insulrock

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

RESTRICTION: Items No. (3), (4), (5) and (6) 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 points of origin.

(Decision No. 87818)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
AMERICAN LIMOUSINE SERVICE, INC.,)
DOING BUSINESS AS "AA TOURS," 8120)
OSCEOLA STREET, WESTMINSTER, COLORADO,)
FOR AUTHORITY TO TRANSFER A PORTION)
AND ABANDON THE REMAINING PORTION)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 191 TO FRED D.)
TILLER, 5580 WADSWORTH BOULEVARD,)
ARVADA, COLORADO.)

APPLICATION NO. 28646-Tfr. Portion

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 28, 1975, by Decision No. 87675, the within application for transfer of a portion of the authority and abandonment of the remaining portion of Certificate of Public Convenience and Necessity PUC No. 191 from American Limousine Service, Inc., doing business as "AA Tours," to Fred D. Tiller, was approved.

On November 17, 1975, Applicants filed a "Petition For Modification of Decision No. 87675" wherein they requested the Commission to modify Decision No. 87675 specifically approving an encumbrance against PUC No. 191 in favor of American Limousine Service, Inc., doing business as "AA Tours," in an amount not to exceed \$76,187.06, plus any accrued interest.

Good grounds not having been shown therefor, the Commission states and finds that said Petition should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition For Modification of Decision No. 87675 filed on November 17, 1975, by Applicants, American Limousine Service, Inc., doing business as "AA Tours", and Fred D. Tiller, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners

(Decision No. 87819)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INCREASE IN THE)
RATES OF DELTA-MONTROSE RURAL POWER)
LINES ASSOCIATION, a/k/a DELTA-)
MONTROSE ELECTRIC ASSOCIATION OF)
DELTA, MONTROSE AND GUNNISON)
COUNTIES, P. O. BOX 59, DELTA,)
COLORADO, PURSUANT TO NOTICE DATED)
AUGUST 22, 1975, ADVICE LETTER NO. 29.)

CASE NO. 5640

ORDER OF THE COMMISSION DENYING
MOTION TO DISMISS; TO VACATE
DECISION NO. 87696; AND TO
TERMINATE PROCEEDING

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 21, 1975, Russell Stover Candies, Inc., (hereinafter "Russell Stover") filed an Application for Rehearing, Reconsideration or Reargument directed to the Commission's action allowing certain rate increases requested by Delta-Montrose Rural Power Lines Association pursuant to Advice Letter No. 29 to become effective by operation of law on September 26, 1975, without suspension or hearing.

By Commission Decision No. 87696, dated October 28, 1975, the Commission elected to treat Russell Stover's Application for Rehearing, Reconsideration or Reargument as a formal complaint.

Ordering Paragraph No. 3 of Decision No. 87696 requested Delta-Montrose Rural Power Lines Association to "answer the allegations set forth in the said pleading filed by Russell Stover Candies, Inc., as though the same were a formal complaint, or satisfy the same pursuant to Rule 12 C. 2 of the Rules of Practice and Procedure before this Commission."

On November 17, 1975, Delta-Montrose Electric Association filed with the Commission a pleading entitled "Motion To Dismiss; To Vacate Decision No. 87696; And To Terminate Proceeding."

The Commission states and finds that said Motion does not set forth sufficient grounds that would sustain granting of the Motion and concludes that said Motion should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

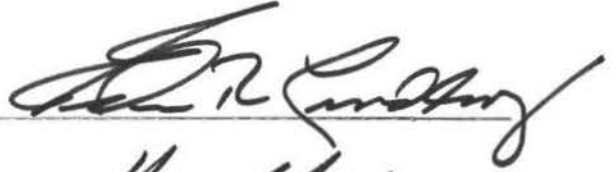

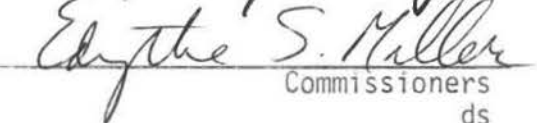
1. The Motion To Dismiss; To Vacate Decision No. 87696; And To Terminate Proceeding filed on November 17, 1975, by Delta-Montrose Electric Association be, and the same hereby is, denied.

2. Respondent, Delta-Montrose Rural Power Lines Association, a/k/a Delta-Montrose Electric Association of Delta, Montrose and Gunnison Counties, be, and the same hereby is, ordered to file an answer to the Complaint within ten (10) days of the date of this Order.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 87820)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF MILE-HI EXPRESS, INC., 1335)	APPLICATION NO. 28679-Extension-TA
EAST 40TH STREET, DENVER, COLORADO)	
80205, FOR TEMPORARY AUTHORITY TO)	COMMISSION ORDER DENYING
EXTEND OPERATIONS UNDER CERTIFICATE)	PETITION FOR RECONSIDERATION
OF PUBLIC CONVENIENCE AND NECESSITY)	OF DECISION NO. 87688
PUC NO. 7955.)	

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1975, the Commission entered its Decision No. 87688 in the above-captioned matter.

On November 19, 1975, Applicant, Mile-Hi Express, Inc., filed with the Commission a Petition for Reconsideration of Decision No. 87688 which denied in its entirety the above-referenced application.

The Commission states and finds that Applicant's Petition does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied.

An appropriate order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition for Reconsideration filed November 19, 1975, by Applicant, Mile-Hi Express, Inc., of Decision No. 87688 dated October 30, 1975, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

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.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	
OF WYCOFF COMPANY, INCORPORATED,)	APPLICATION NO. 28707-TA
560 SOUTH 3RD STREET WEST, SALT)	
LAKE CITY, UTAH, FOR A CERTIFI-)	ORDER DENYING PETITION FOR
CATE OF PUBLIC CONVENIENCE AND)	RECONSIDERATION OF COMMISSION
NECESSITY TO OPERATE AS A COMMON)	DECISION NO. 87767
CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1975, the Commission entered its Decision No. 87767 in the above-captioned matter.

On November 20, 1975, Applicant, Wycoff Company, Incorporated, filed with the Commission a Petition for Reconsideration directed to Decision No. 87767 which denied Wycoff Company, Incorporated, temporary authority to operate as a common carrier by motor vehicle for hire.

The Commission states and finds that Applicant's Petition does not set forth sufficient grounds for any change or modification and that said Petition should therefore be denied.

An appropriate order will be entered.

O R D E R

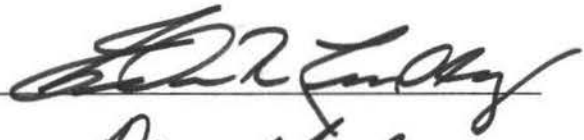
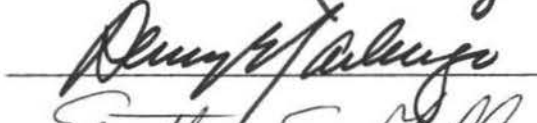

THE COMMISSION ORDERS THAT:

The Petition for Reconsideration of Commission Decision No. 87767 filed on November 20, 1975, by Applicant, Wycoff Company, Incorporated, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
vjr

(Decision No. 87822)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION OF)	INVESTIGATION AND SUSPENSION
PROPOSED CHANGES IN TARIFF --)	DOCKET NO. 972
COLORADO PUC NO. 2 - ELECTRIC -)	
MOUNTAIN VIEW ELECTRIC ASSOCIATION,)	ORDER REGARDING EXCEPTION TO
INC., LIMON, COLORADO.)	RECOMMENDED DECISION NO. 87710

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1975, Examiner, Robert E. Temmer, entered his Recommended Decision No. 87710 in the above-captioned matter.

On November 10, 1975, I. A. Wallace filed with the Commission an "Exception" to Recommended Decision No. 87710.

Notice of Hearing with respect to the within matter was given to all interested persons, firms or corporations on July 8, 1975. Said Notice, inter alia, provided that any person desiring to file objection, intervene in, or participate as a party in the within proceeding shall file his objection or petition for leave to intervene within thirty (30) days after the date of the said Notice.

Section 40-6-109(2) provides, in part:

"Whenever any hearing, investigation, or other proceeding is assigned to an examiner or individual commissioner for hearing, the examiner or individual commissioner, after the conclusion of said hearing, shall promptly transmit to the commission the record and exhibits of said proceeding together with a written recommended decision which shall contain his findings of fact and conclusions thereon, together with the recommended order or requirement. Copies thereof shall be served upon the parties, who may file exceptions thereto; but if no exceptions are filed within twenty 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 section 40-6-115. . ."

Review of the official file discloses that the above-named person who filed an "Exception" to Recommended Decision No. 87710 is not a party to this proceeding. Inasmuch as the above-cited statute, by its terms, limits the filing of exceptions to parties to a proceeding, the above-named person is without standing to file exceptions herein and, accordingly, his respective Exception must be stricken.

An appropriate Order will be entered.

O R D E R

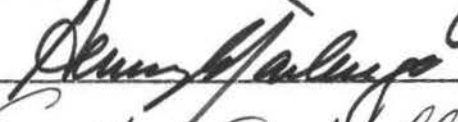

THE COMMISSION ORDERS THAT:

The "Exception" to Recommended Decision No. 87710, dated November 5, 1975, filed on November 10, 1975, by I. A. Wallace, be, and the same hereby is, stricken.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

(Decision No. 87823)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
CARL HIZEL & SONS INC., 4635 GRAPE)	
STREET, DENVER, COLORADO 80216, FOR)	
A CERTIFICATE OF PUBLIC CONVENIENCE)	
AND NECESSITY, AUTHORIZING AN)	APPLICATION NO. 28659-Extension
EXTENSION AND/OR CLARIFICATION OF)	
OPERATIONS UNDER PUC NO. 3193, TO)	
INCLUDE THE TRANSPORTATION OF ASH,)	
TRASH AND OTHER REFUSE FROM ALL)	COMMISSION ORDER GRANTING MOTION
POINTS IN THE CITY AND COUNTY OF)	TO STRIKE AND DENYING PROTEST
DENVER AS THE CITY BOUNDARIES EXIST)	
ON SEPTEMBER 22, 1975, TO SUCH LOCATIONS)	
WHERE THE SAME MAY BE LAWFULLY DISPOSED)	
OF.)	

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 12, 1975, the Applicant, Carl Hizel & Sons Inc., by and through its attorneys filed a Motion to Strike the protests of American Ecology Disposal Co., Inc., Blue Barrel Disposal Inc., and H. & L. Rubbish; and as grounds therefor states and alleges:

1. The above-named Protestants in conjunction with Metropolitan Trash Inc., filed a protest to the above-referenced application on November 6, 1975. Subsequent to the filing of the above-referenced protest, Metropolitan Trash Inc., withdrew its protest on the grounds that it had been inadvertently included as a protestant in the above-referenced pleading.

2. The above-referenced application was noticed in the PUC notices on October 6, 1975. Thus, pursuant to the rules and regulations of the Commission, protests and petitions for leave to intervene were due on or before November 5, 1975.

3. The above-referenced Protestants did not file their protest until November 6, 1975, thus filing to comply with the Commission's requirements for such pleadings.

The Commission states and finds that strictly technical grounds have been shown for the granting of the Motion, but that the interests of concerned carriers should not be cut off by the inadvertant mistake of their attorney in Filing the protest untimely by only one day.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Strike filed November 12, 1975, by Applicant, Carl Hize! & Sons Inc., be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 87823-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL HIZEL & SONS INC., 4635 GRAPE)
STREET, DENVER, COLORADO 80216, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY, AUTHORIZING AN)
EXTENSION AND/OR CLARIFICATION OF)
OPERATIONS UNDER PUC NO. 3193, TO)
INCLUDE THE TRANSPORTATION OF ASH,)
TRASH AND OTHER REFUSE FROM ALL)
POINTS IN THE CITY AND COUNTY OF)
DENVER AS THE CITY BOUNDARIES EXIST)
ON SEPTEMBER 22, 1975, TO SUCH LOCA-)
TIONS WHERE THE SAME MAY BE LAWFULLY)
DISPOSED OF.)

APPLICATION NO. 28659-Extension

ERRATA NOTICE

December 3, 1975

Decision No. 87823

(Issued November 25, 1975)

Page 1: Change the caption under the application number from
"COMMISSION ORDER GRANTING MOTION TO STRIKE AND DENYING PROTEST" to
"COMMISSION ORDER DENYING MOTION TO STRIKE AND GRANTING PROTEST."

Subparagraph 3: Change line three from "filing to comply with
the Commission's requirements" to "failing to comply with the Commis-
sion's requirements."

Paragraph two: Change line one from "The Commission states and
finds that strictly technical grounds" to "The Commission states and
finds that strictly technical grounds."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado, this
3rd day of December, 1975.

(Decision No. 87824)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
MILTON W. CRAWFORD, DOING BUSINESS)	
AS "WESTCOL RADIO DISPATCH," 241)	APPLICATION NO. 28384
SOUTH 14TH STREET, GRAND JUNCTION,)	
COLORADO, AND COLORADO WEST MOBILE)	ORDER DENYING EXCEPTIONS
PHONE, INC., 323 ZUNI DRIVE, GRAND)	TO RECOMMENDED DECISION
JUNCTION, COLORADO, FOR A TRANSFER)	NO. 87655
OF A LICENSE TO OPERATE AS A RADIO)	
COMMON CARRIER.)	

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 23, 1975, Robert E. Temmer, Hearing Examiner, entered his Recommended Decision No. 87655 in the above-captioned matter.

On November 18, 1975, Applicants, Milton W. Crawford, doing business as "Westcol Radio Dispatch," and Colorado West Mobile Phone, Inc., filed with the Commission Exceptions to Recommended Decision No. 87655. Such Exceptions attacked certain of the findings of fact made by the Hearing Examiner. The Exceptions were not timely filed, pursuant to Rule 15 of the Commission's Rules of Practice and Procedure; and Applicants did not file a transcript. Section 40-6-113(4), CRS 1973, reads as follows:

"(4) It shall not be necessary for a party to cause a transcript to be filed as herein provided in any case where the party does not seek to amend, modify, annul, or reverse basic findings of fact which shall be set forth in the recommended decision of a commissioner or examiner, or in the decision of the commission. If such transcript is not filed pursuant to the provisions hereof for consideration with the party's first pleading, it shall be conclusively presumed that the basic findings of fact, as distinguished from the conclusions and reasons therefor and the order or requirements thereon, are complete and accurate."

Applying such statutory provisions, it must be presumed that the basic findings of fact of the Hearing Examiner are complete and accurate.

The Commission has now reconsidered the matter and has determined that the Exceptions filed herein by Applicants should be overruled and denied; that the Examiner's findings of fact and conclusions in the Recommended Decision No. 87655 should be adopted as its own, and concludes that the following order should be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Exceptions filed herein by Applicants be, and the same hereby are, overruled and denied.
2. The findings of fact and conclusions of Hearing Examiner Robert E. Temmer in Recommended Decision No. 87655 be, and hereby are, adopted by the Commission.
3. The Examiner's Recommended Order in said Decision No. 87655 be, and hereby is, entered as the Order of the Commission herein without any change or modification; and the said Recommended Order be, and hereby is, incorporated herein by reference the same as if it had been set forth in full as the Order of the Commission.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF -)	DOCKET NO. 1005
COLORADO PUC NO. 2 - ELECTRIC,)	
TOWN OF ESTES PARK, ESTES PARK,)	ORDER SETTING HEARING AND
COLORADO 80517.)	SUSPENDING EFFECTIVE DATE OF
	TARIFFS

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1975, the Town of Estes Park (hereinafter referred to as "Estes Park" or "Respondent") filed with the Commission its Advice Letter No. 6, dated October 30, 1975, in compliance with the requirements of the Public Utilities Law, as follows:

COLORADO P.U.C. NO. 2 - ELECTRIC

<u>COLO. P.U.C.</u> <u>SHEET NUMBER</u>	<u>TITLE OF SHEET</u>	<u>CANCELS COLO. P.U.C.</u> <u>SHEET NUMBER</u>
Cover Sheet, Colo. P.U.C. No. 2	Schedule of Rates	Cover Sheet, Colo. P.U.C. No. 2
Second Revised No. 4	Residential Service	First Revised No. 4
Second Revised No. 5	Combined Residential & Water Heating	First Revised No. 5
Second Revised No. 6	All-Electric Residential Service	First Revised No. 6
Second Revised No. 11	Commercial Lighting- General	First Revised No. 11
Second Revised No. 12	Commercial Water Heating	First Revised No. 12
Second Revised No. 17	Secondary Power	First Revised No. 17
Second Revised No. 17A	Secondary Power (Continued)	First Revised No. 17A
Second Revised No. 18	Large Combined Light and Power	First Revised No. 18
Second Revised No. 19	Street Lighting	First Revised No. 19

Estes Park states that the purpose of this filing is to establish a rate structure that will permit Estes Park to partially offset the substantial increase in operating expenses that has been experienced since the last change in rates authorized by the Commission.

Estes Park also states that the revisions filed herewith are designed to allow Estes Park to receive net operating revenues which will produce an operating ratio of 85.61% for jurisdictional electric service provided outside the municipal boundaries. In its last tariff filing with the Commission under Advice Letter No. 5, Estes Park was authorized (without suspension) to implement rate schedules that were designed to produce an operating ratio of 86.34% for jurisdictional electric service.

The proposed change in electric rates represents a general increase, uniform for all consumers within the same class of service, and the rate changes, as well as the proposed effective date, are identical for jurisdictional and non-jurisdictional customers.

Of the overall increase in electric revenues of approximately \$161,849, approximately \$75,854 will be obtained from the sale of jurisdictional electric service to customers outside the municipal boundaries, if the tariffs become effective.

Estes Park states that the effect of the proposed rate increase on average monthly consumption for jurisdictional customers receiving residential and commercial service is as follows:

<u>RATE SCHEDULE</u>	<u>AVERAGE MONTHLY CONSUMPTION-KWH JURISDICTIONAL SERVICE</u>	<u>INCREASE - \$</u>	<u>PERCENT INCREASE</u>
Residential	220	1.19	13.3
Combined Residential and Water Heating	340	1.61	14.6
All Electric	1700	6.23	19.2
Commercial Lighting - General			
1. May 20 to Sept. 20	650	4.80	11.7
2. Sept. 20 to May 20	130	1.00	10.4

Estes Park proposes that the filing become effective with the first electric billing period commencing after December 1, 1975.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until June 28, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact on the public using the electric service of the Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing in the manner and form as set forth in the Order hereinafter to follow:

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matters with respect to the tariffs filed on October 30, 1975, by the Town of Estes Park, pursuant to Advice Letter No. 6, dated October 30, 1975, be, and hereby are, set for hearing as follows:

DATE: February 3, 1976

TIME: 10:00 a.m.

PLACE: Board Room
Municipal Building
100 MacGregor Avenue
Estes Park, Colorado

The following day, February 4, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before January 19, 1976.

3. The effective date of the tariff sheets filed October 30, 1975, by the Town of Estes Park, under Advice Letter No. 6, dated October 30, 1975, be, and the same hereby is, suspended until June 28, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGE IN TIME SCHEDULE NO. 15, PUBLISHED BY SAN JUAN TOURS, INC., DBA "GLENWOOD-ASPEN STAGES, INC.," RESPONDENT HEREIN, SCHEDULED TO BECOME EFFECTIVE ON NOVEMBER 24, 1975.)	INVESTIGATION AND SUSPENSION DOCKET NO. 1004
)	
	)	ORDER OF COMMISSION VACATING HEARING AND WITHDRAWING SUSPENSION OF TIME SCHEDULE
)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 8, 1975, San Juan Tours, Inc., d/b/a "Glenwood-Aspen Stages, Inc.," Respondent herein, filed Time Schedule No. 15, scheduled to become effective on November 24, 1975.

The Commission, on its own motion, suspended and set the above Time Schedule for hearing by Decision No. 87789, dated November 18, 1975. In reviewing the filing, it is found that the suspension was in error, as no change in existing schedules was made by the new filing and that the only change involved the addition of two new schedules.

The Commission finds that it will be in the public interest to vacate the hearing date, to allow the schedule to become effective and to close the docket in this matter.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:


1. That the hearing date of February 6, 1976, be, and hereby is, vacated.
2. That Investigation and Suspension Docket No. 1004 be, and hereby is, closed.

3. That Respondent's Time Schedule No. 15 may be placed into effect on one day's notice by proper filing with the Commission.

4. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Edythe S. Miller
Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES AS)
PUBLISHED BY THE WILDERNESS TRANSIT)
COMPANY, RESPONDENT HEREIN, SCHEDULED)
TO BECOME EFFECTIVE ON DECEMBER 1, 1975.)

MISCELLANEOUS DOCKET
NO. 255

ORDER REJECTING TARIFF

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 28, 1975, The Wilderness Transit Company, Respondent herein, filed its Tariff No. 4, Colorado PUC No. 4, scheduled to become effective on December 1, 1975. Said tariff, if allowed to become effective, would have the effect of increasing all rates and charges in Tariff No. 4.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent failed to give notice to the public as required by Rule 19, paragraph G, of the Rules of Practice and Procedure.

The Commission, on its own motion, states and finds that the within tariff should be rejected.

An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS:

1. That Tariff No. 4, Colorado PUC No. 4, as filed by The Wilderness Transit Company, be, and the same is hereby rejected.

2. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

(Decision No. 87828)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 1006
COLORADO PUC NO. 9W - ELECTRIC,)	
THE SAN MIGUEL POWER ASSOCIATION,	)	ORDER SETTING HEARING AND
INC., NUCLA, COLORADO 71424.	)	SUSPENDING EFFECTIVE DATE
	)	OF TARIFFS

- - - - -
November 25, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The San Miguel Power Association, Inc., (hereinafter referred to as "San Miguel" or "Respondent") filed with the Commission on October 28, 1975, its Advice Letter No. 17, dated October 23, 1975, in compliance with the requirements of the Public Utilities Law, as follows:

<u>Colorado PUC Sheet Number</u>	<u>Title of Sheet</u>	<u>Cancels Colorado PUC Sheet Number</u>
No. 9, First Revised	Large Industrial Power Service	Original No. 9
Original No. 9A	Large Industrial Power Service	

The purpose of this filing is to increase electric rates to all customers billed on Schedule No. 9.

The proposed tariff is expected to increase revenue by approximately \$117,252, based on the test year used in Respondent's analysis.

The proposed increase in rates will average 21.7% to all large industrial power customers.

Respondent requested that this filing become effective on thirty days' notice.

Pursuant to the provisions of Section 40-6-111(1), CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed

tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until June 24, 1976. If no new rates are established by the Commission by the aforesaid date in this docket, the tariffs filed by Respondent will become effective by operation of law.

Because of the important impact on the public using the electric service of the Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing in the manner and form as set forth in the Order hereinafter to follow:

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matters with respect to the tariffs filed on October 28, 1975, by The San Miguel Power Association, Inc., pursuant to Advice Letter No. 17, dated October 23, 1975, be, and hereby are, set for hearing as follows:

DATE: Wednesday, January 28, 1976

TIME: 10 A.M.

PLACE: 500 Columbine Bldg.
1845 Sherman Street
Denver, Colorado

The following day, January 29, 1976, is reserved on the Commission calendar for continued hearing in this matter, if necessary.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before January 9, 1976.

3. The effective date of the tariff sheets filed October 28, 1975, by The San Miguel Power Association, Inc., under its Advice Letter No. 17, dated October 23, 1975, be, and the same hereby is, suspended until June 24, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

5. At least 15 days prior to the hearing date herein, Respondent shall provide in writing, with any exhibits it deems necessary, six (6)

copies of answers to the inquiries set forth in Appendix "A." As to inquiries that are not applicable, Respondent shall so state and explain why they are inapplicable.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
nlr

(Decision No. 87829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --	)	INVESTIGATION AND SUSPENSION
COLORADO PUC NO. 2 - ELECTRIC,	)	DOCKET NO. 1007
GUNNISON COUNTY ELECTRIC ASSOCIATION,)	
INC., GUNNISON, COLORADO 81321)	

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 5, 1975, Gunnison County Electric Association, Inc., (hereinafter "Gunnison") filed its Advice Letter No. 25 with accompanying tariff, PUC No. 2. This tariff filing, which includes rate schedules and rules and regulations, is intended to cancel Colorado PUC No. 1 in its entirety.

Gunnison states that the purpose of this filing is to reduce inequities between various rates and eliminate special rates, based on the cost of service study Exhibit "B", to increase revenues to compensate for increased wholesale power costs, to provide for limited equity improvement, to remove the penalty or discount provision, and to revise and reissue rules and regulations in order to conform them with the needs of the utility and the requirements of the Public Utilities Commission of the State of Colorado.

Gunnison requests that this filing become effective on statutory thirty-days notice.

Pursuant to the provisions of Section 40-6-111, CRS 1973, the Commission may -- in its discretion -- set the said tariffs for hearing, which has the effect of suspending the effective date of the tariffs, for a period of one hundred twenty (120) days. The same statute also provides that the Commission may, in its discretion, suspend the effective date of the tariffs for an additional ninety (90) days. Thus, the power and authority of the Commission to suspend the effective date of the filed tariffs extends for a maximum period of two hundred ten (210) days, or, in this docket until July 2, 1976. If no new rates are established by the Commission by the aforesaid date in this Docket, the tariffs filed by Respondent will become effective by operation of law. Because of the important impact on the public using the electric service of the Respondent, the Commission, on its own motion, states and finds that it should set the herein proposed tariff revisions for hearing in the manner and form as set forth in the Order hereinafter to follow.

O R D E R

THE COMMISSION ORDERS THAT:

1. The herein matters with respect to the tariffs filed on November 5, 1975, by Gunnison County Electric Association, Inc., pursuant to its Advice Letter No. 25, dated November 5, 1975, be, and hereby are, set for hearing as follows:

DATE: Tuesday, February 17, 1976

TIME: 9 A.M.

PLACE: Commissioners' Meeting Room
Gunnison County Courthouse Basement
200 East Virginia Avenue
Gunnison, Colorado

Testimony of individual customer witnesses who desire to be heard will be taken as the first order of business at such hearing.

2. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before February 2, 1976.

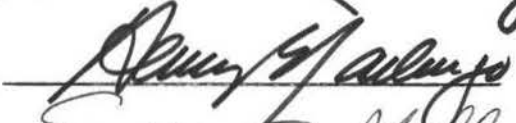
3. The effective date of the tariff sheets filed by Gunnison County Electric Association, Inc., Respondent herein, on November 5, 1975, under Advice Letter No. 25, be, and hereby is, suspended until July 2, 1976, or until further order of the Commission.

4. At least 15 days prior to the hearing date herein, Respondent shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Respondent in support of Respondent's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners
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(Decision No. 87830)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WESTERN SLOPE GAS COMPANY FOR)
AN ORDER APPROVING APPLICANT'S)
PROPOSED REFUND PLAN.)

APPLICATION NO. 28780

November 25, 1975

STATEMENT

BY THE COMMISSION:

Western Slope Gas Company, a public utility under the jurisdiction of the Commission, and Applicant herein filed with the Commission on November 20, 1975, Application No. 28780 requesting the approval of the Commission, without formal hearing, to make certain refunds to customers as described in said application.

FINDINGS OF FACT

1. Applicant is an operating public utility subject to the jurisdiction of this Commission engaged in the intrastate transmission and sale of natural gas in various areas within the State of Colorado.

2. A substantial portion of Applicant's Central System natural gas requirements is obtained from Colorado Interstate Gas Company (CIG). CIG is a natural gas company under the provisions of the Natural Gas Act and its rates and charges incident to the sale of gas to Applicant are subject to the jurisdiction of the Federal Power Commission (FPC).

3. Pursuant to Application No. 27853 filed September 20, 1974, and Commission Decision No. 85726 issued September 24, 1974, in connection therewith, Applicant filed, by Advice No. 66, certain gas rate adjustment riders effective October 1, 1974. Said gas rate adjustment riders were designed to track an increase in the cost of gas charged Applicant by CIG pursuant to CIG's rate case proceeding before the FPC in Docket No. RP74-77. Rates charged Applicant by CIG pursuant to said rate case proceedings in Docket No. RP74-77 were effective from October 1, 1974, until September 30, 1975. On October 1, 1975, CIG's revised tariff filed in Docket No. RP75-86 became effective.

4. On September 5, 1975, the FPC issued an order approving the Stipulation and Agreement of Settlement (Settlement Agreement) in Docket No. RP74-77. The Settlement Agreement required CIG to, inter alia, file revised tariffs to reduce its jurisdictional rates for natural gas to the rate levels approved in the Settlement Agreement and to refund the revenues collected in excess of the settlement rates, with interest at 7% per annum.

5. On October 14, 1975, in accordance with the September 5, 1975, order of the FPC and the Settlement Agreement in Docket No. RP74-77 CIG filed revised tariffs to be retroactively effective from October 1, 1974, through December 31, 1974, and from January 1, 1975, through September 30, 1975. Said revised tariff sheets reflect the settlement rates agreed to in the Settlement Agreement.

6. On November 19, 1975, CIG refunded to Applicant the difference between the cost of gas charged Applicant pursuant to the rates originally effective October 1, 1974, filed by CIG in their rate case proceedings in Docket No. RP74-77 and the settled cost of gas pursuant to the settlement rates contained in the Settlement Agreement in Docket No. RP74-77 approved September 5, 1975, plus interest at 7% per annum to November 19, 1975.

7. Applicant proposes to refund to its customers the difference between the revenues generated by the gas rate adjustment riders effective October 1, 1974, as discussed in Paragraph 3 and the revenues which would have been generated had the gas rate adjustment riders been designed on the settlement rates contained in the Settlement Agreement in Docket No. RP74-77 as discussed in Paragraph 5, plus interest at 7% per annum to December 1, 1975, the date Applicant proposes to make said refund. The refund Applicant proposes to make to its customers will be substantially the same as the refund and interest Applicant received from CIG on November 19, 1975, plus additional interest to December 1, 1975.

CONCLUSIONS ON FINDINGS OF FACT

The Commission concludes that good cause having been shown therefor, the herein application should be granted and the following Order entered.

O R D E R

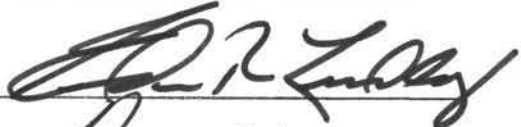
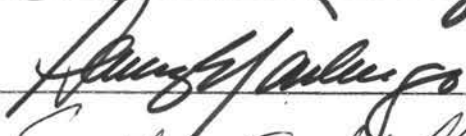

THE COMMISSION ORDERS THAT:

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 to those customers to which Applicant was unable to make the refund.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN HOURLY CHARGES ON)	INVESTIGATION AND SUSPENSION
HOUSEHOLD GOODS MOVEMENTS FILED BY	)	DOCKET NO. 1008
THOMAS & SON TRANSFER LINE, INC.,)	
TO BECOME EFFECTIVE DECEMBER 6, 1975.	)	ORDER SETTING FOR HEARING
	)	AND SUSPENDING TARIFF

November 25, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 6, 1975, Thomas & Son Transfer Line, Inc., Respondent herein, filed Item No. 450 in Colorado Motor Tariff Bureau Tariff No. 1, to increase the hourly charge on rates for household goods for distance of 30 miles or less but beyond the metro area to the level of rates now being charged within the metro area.

Review of the data submitted by Respondent herein indicates that it may be insufficient to justify the amount of increase sought.

The Commission, on its own motion, states and finds that Item No. 450, Colorado Motor Tariff Bureau Tariff No. 1, should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Thomas & Son Transfer Line, Inc.

2. That this Investigation and Suspension Docket No. 1008, be, and the same is hereby, set for hearing before the Commission on:

Date: January 16, 1976
Time: 10:00 AM
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That Item No. 450, Colorado Motor Tariff Bureau Tariff No. 1, filed on behalf of Thomas & Son Transfer Line, Inc., be, and it hereby is, suspended for a period of 210 days or until July 3, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filing hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

6. That a copy of this Order shall be filed with the tariff 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, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least fifteen (15) days prior to the hearing date herein, Respondent herein 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 together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 25th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
WILLIAM D. PERKINS, E. WAYNE RAGSDALE,)	
GENERAL DELIVERY, BUFFALO CREEK,	)	APPLICATION NO. 28332
COLORADO, FOR A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO OPERATE	)	ORDER OF THOMAS M. McCAFFREY,
AS A COMMON CARRIER BY MOTOR VEHICLE	)	EXAMINER, CONTINUING HEARING
FOR HIRE.)	

- - - - -
November 26, 1975
- - - - -

Appearances: David A. Senseney, Esq.,
Englewood, Colorado,
for Applicants;
William Andrew Wilson, Esq.,
Denver, Colorado, for
Park County Disposal,
Inc., Protestant.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-titled application was called for hearing on Thursday, November 20, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado.

As a preliminary matter, counsel for Applicants moved to amend the application so as to restrict against service within the area in which Protestant Park County Disposal, Inc., presently holds authority. The proposed amendment, while acceptable as to substance and clearly restrictive in nature, was not acceptable as to form. Applicants then moved for a continuance of the hearing to allow time for the filing of an amended application setting forth specifically the requested authority. Counsel for Protestant stated that the proposed amendment, if accepted as to substance, would eliminate the Protestant's interest in the application, and its protest would be withdrawn. The Examiner, for good cause shown, granted the Motion for Continuance and ordered Applicants to immediately file an amended application setting forth the specific authority requested.

If the application, as amended, is not determined by the Commission without the formal oral hearing in accordance with Rule 17 of this Commission's Rules of Practice and Procedure, then hearing on this application, as amended, will be set for hearing as scheduled by the Secretary of the Commission.

Based on the above Statement and Findings of Fact, an appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Applicants herein shall within ten (10) days from the date of this Order file with this Commission an amended application specifically setting forth the authority requested in accordance with the substance of the proposed amendment offered in the hearing on Thursday, November 20, 1975. Concurrently with the filing of such amended application, Protestant Park County Disposal, Inc., shall advise this Commission, in writing, of its status of protest to the application, as amended.

2. Application No. 28332, being the application of William D. Perkins and E. Wayne Ragsdale for a certificate of public convenience and necessity to operate as a common carrier by motor vehicle for hire, be, and hereby is, continued to a date to be determined by the Secretary of the Commission.

3. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO-DENVER/WAREHOUSE AND DELIVERY,)
INC., 4902 SMITH ROAD, DENVER, COLORADO,)
FOR AUTHORITY TO PURCHASE ALL THE ISSUED)
AND OUTSTANDING CAPITAL STOCK OF MOUNTAIN)
MOTORWAY, INC., 1546 MINER STREET, IDAHO)
SPRINGS, COLORADO, RECORD OWNER OF PUC)
NO. 6557 AND PUC NO. 8045, FROM B. C.)
BLACKWELL, WILLIAM L. JONES AND JAMES L.)
DAUGHERTY, 1200 MINER STREET, IDAHO)
SPRINGS, COLORADO.)

APPLICATION NO. 28412-Stock
Transfer

APPLICATION NO. 28413-Stock
Transfer

RE: MOTOR VEHICLE OPERATIONS OF RESPON-)
DENT, MOUNTAIN MOTORWAY, INC., 1546)
MINER STREET, IDAHO SPRINGS, COLORADO,)
UNDER CERTIFICATES OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 6557 AND PUC NO.)
8045.)

CASE NO. 5566

RECOMMENDED DECISION OF
ROBERT E. TEMMER, EXAMINER,
GRANTING TRANSFER APPLICATIONS
DENYING PETITION IN CASE
NO. 5566

- - - - -
November 26, 1975
- - - - -

Appearances: Edward C. Hastings, Esq.,
Denver, Colorado, for
Transferors, Transferee,
and Mountain Motorway,
Inc.

PROCEDURE AND RECORD

On June 9, 1975, the above-entitled applications were filed with this Commission for authority to transfer all of the issued and outstanding capital stock of Mountain Motorway, Inc., record owner of Certificates of Public Convenience and Necessity PUC No. 6557 and PUC No. 8045 from B. C. Blackwell, William L. Jones, and James L. Daugherty to Colorado-Denver-Warehouse and Delivery, Inc.

Applicants requested temporary authority and the Commission, by Decision No. 87074 and Decision No. 87075, both issued on July 1, 1975, granted temporary authority.

The Commission assigned Docket Nos. 28412-Stock Transfer and 28413-Stock Transfer to the applications and gave due notice in accordance with the provisions of 40-6-108, CRS 1973. No protests were filed to the granting of the applications.

The matters were set for a hearing to be held on Thursday, November 6, 1975, at 10 a.m. in a Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and due and proper notice was given to all interested persons, firms, or corporations.

On September 2, 1975, Mountain Motorway, Inc., filed a Petition in Case No. 5566 requesting relief from Ordering Paragraph 3 of Decision No. 85771, asking that the \$10,000 bond required by said Ordering Paragraph be reduced to a \$2,000 bond. By Decision No. 87449 issued September 9, 1975, the Commission set said Petition for hearing together with the applications for transfer so that the Petition would be heard on November 6, 1975, at 10 a.m. in a Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and due and proper notice of the hearing was given to all interested persons, firms, or corporations.

The hearings were held at the assigned time and place by Robert E. Temmer, Examiner, to whom the matters had been duly assigned, and the matters were consolidated and heard on a joint record.

Exhibits 1 through 10 were marked for identification and all were admitted into evidence. Testimony was received from several witnesses, and Dalton O. Ford, of the Staff of the Commission, asked certain questions in clarification.

At the conclusion of the hearing, the subject matters were taken under advisement.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of these proceedings, 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. Transferors herein, all individuals, are the present owners of all of the issued and outstanding capital stock of Mountain Motorway, Inc., which is the record owner of Certificates of Public Convenience and Necessity PUC No. 6557 and PUC No. 8045.
2. The authorities held by Mountain Motorway, Inc., have been continually operated in the past and are presently in good standing with the Commission.
3. Transferee is a Colorado corporation duly organized and existing under the laws of the State of Colorado.
4. The Commission has jurisdiction over Transferors, Transferee, and the subject matter of this proceeding.
5. Transferee does not hold any previously granted authority from this Commission other than the temporary authorities mentioned, *supra*. The officers of Transferee do hold previously granted authority from this Commission. Leonard L. Haney, the President of Transferee, in his individual capacity, holds Certificate of Public Convenience and Necessity PUC No. 272 and PUC No. 272-1. Leonard L. Haney, Donald R. Haney, and Robert J.

Haney are the owners of all the issued and outstanding capital stock of Gilpin County Freight Services, Inc., which is the owner and operator of Certificate of Public Convenience and Necessity PUC No. 1127 and Permit No. B-3009. The officers of Transferee are Leonard L. Haney, President; Donald R. Haney, Executive Vice President; Robert J. Haney, Vice President; Leonard A. Haney, Secretary; and John A. Haney, Treasurer. The Certificates held by the officers of Transferee, and by Gilpin County Freight Services, Inc., the company they also own, duplicate and conflict to some extent with the authorities held by Mountain Motorway, Inc. It is the intention of the officers of Transferee and of the stockholders to merge all of the companies they own and to transfer all of the Certificates held by them to one entity in the future, and at that time all duplication and overlap in the Certificates would be eliminated, pursuant to proper application.

6. The parties have entered into an agreement to transfer the stock, which will have the result of transferring control over the operations of Mountain Motorway, Inc., pursuant to its Certificates of Public Convenience and Necessity. The consideration to be paid for the stock is fair and reasonable.

7. Transferee owns sufficient equipment, has sufficient experience and net worth, all of which are ample and suitable for the operation of Mountain Motorway, Inc.

8. The chief corporate officers, as well as the employees of Transferee, are sufficiently familiar with the rules and regulations of this Commission and, if these applications are granted, promise to abide by said rules and regulations, as well as the safety requirements of the Commission, and have made and will continue to make adequate provision for insurance.

9. If these transfers are approved, Transferee intends to and will engage in bona fide motor carrier operations under the operating rights over which control will be acquired. The granting of the transfer applications will be in the public interest.

10. Pursuant to Decision No. 85771, Mountain Motorway, Inc., was ordered to file with this Commission a cash or surety bond in an amount not less than \$10,000, conditioned upon the true and prompt payment of any C.O.D. or other collections by Mountain Motorway, Inc., to their consignor. Mountain Motorway, Inc., has experienced extreme difficulty in obtaining a \$10,000 bond and contends that a \$2,000 bond would be sufficient to protect the public inasmuch as the C.O.D. collections have only exceeded \$2,000 on one occasion in four years. The financial condition of Mountain Motorway, Inc., is not very strong. Colorado-Denver/Warehouse and Delivery, Inc., is in a better financial position; but, due to the separate corporate entities involved, these assets might not be available for the protection of people making C.O.D. shipments via Mountain Motorway, Inc., if the amount of the claim was above \$2,000. Mountain Motorway, Inc., has in fact been able to obtain a commitment for a \$10,000 bond based upon the fact that Colorado-Denver/Warehouse and Delivery, Inc., would also be named on the bond, and that the individual stockholders of the company would give their personal indemnity. Thus, it is not impossible for Mountain Motorway, Inc., to obtain the \$10,000 bond; and to better protect the public, the requirement of \$10,000 bond should remain in effect. A bond in the amount of \$10,000 was in fact filed with the Commission after the hearing.

11. Granting the transfer applications would be in the public interest, and denying the Petition for permission to substitute a \$2,000 bond would also be in the public interest.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The transfers sought by Applicants should be granted as hereinafter set forth.
2. The Petition filed in Case No. 5566 should be denied.
3. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. B. C. Blackwell, William L. Jones, and James L. Daugherty, 1200 Miner Street, Idaho Springs, Colorado, be, and hereby are, authorized to transfer all of their respective stock holdings in Mountain Motorway, Inc., which stock holdings constitute all the issued and outstanding capital stock of Mountain Motorway, Inc., to Colorado-Denver/Warehouse and Delivery, Inc., 4902 Smith Road, Denver, Colorado.
2. Within six (6) months from the effective date of this Order, Colorado-Denver/Warehouse and Delivery, Inc., and/or Mountain Motorway, Inc., shall make application to this Commission to eliminate any duplication and/or overlap that exists between the authorities held by Mountain Motorway, Inc., and Colorado-Denver/Warehouse and Delivery, Inc.; Leonard L. Haney; Donald R. Haney; Robert J. Haney; Leonard A. Haney; John A. Haney; Gilpin County Freight Services, Inc.; and any other entity owned or controlled by said persons or corporations, unless said time is extended by this Commission. Failure to file said application shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission.
3. Said transfers shall become effective only if and when, but not before, said Transferors and Transferee, in writing, have advised the Commission that said stock 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 any of them, kept and performed. Failure to file said written acceptance of the terms of this Order within thirty (30) days from the effective date of this Order shall automatically revoke the authority herein granted to make the transfers, without further order on the part of the Commission, unless such time shall be extended by this Commission, upon proper application.
4. The Petition filed by Mountain Motorway, Inc., in Case No. 5566 on September 2, 1975, be, and hereby is, denied.
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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

rw/jp

(Decision No. 87834)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION	)	INVESTIGATION AND SUSPENSION
OF PROPOSED CHANGES IN TARIFF --	)	DOCKET NO. 881
COLO. PUC NO. 5 - TELEPHONE,)	
MOUNTAIN STATES TELEPHONE AND	)	DECISION AND ORDER OF THE
TELEGRAPH COMPANY, UNDER ADVICE	)	COMMISSION ON REARGUMENT
LETTER NO. 1010.)	

November 26, 1975

Appearances: Joseph C. O'Neil, Esq.,
Denver, Colorado, and
Alan C. DeMuth, Esq.,
Denver, Colorado, for
Respondent Mountain States
Telephone and Telegraph
Company;
James M. Lyons, Esq.,
Denver, Colorado, and
Edwin B. Spievack, Esq.,
Washington, D. C., for
Intervenor Sturgeon
Electric Company;
Eugene C. Cavaliere, Esq.,
Assistant Attorney General,
Denver, Colorado, for the
Commission.

STATEMENT

BY THE COMMISSION:

On March 6, 1975, Hearing Examiner Robert E. Temmer, pursuant to the provisions of 40-6-109(2), CRS 1973, transmitted to the Commission the records and exhibits in this proceeding, together with Recommended Decision No. 86436, which contained Examiner Temmer's findings of fact and conclusions thereon, together with a Recommended Order. Copies of said Recommended Decision No. 86436 were served upon all parties to the proceeding.

On March 26, 1975, Mountain States Telephone and Telegraph Company (hereinafter referred to either as "Respondent" or "Mountain Bell") filed Exceptions to Recommended Decision No. 86436 and on March 26, 1975,

Intervenor Sturgeon Electric Company (hereinafter referred to as "Sturgeon") filed exceptions to Recommended Decision No. 86436.

On May 6, 1975, the Commission, after examination of the record in this proceeding, entered Decision No. 86791, without regard to the findings of fact and conclusions in Recommended Decision No. 86436.

Thereafter, on May 27, 1975, Respondent filed an application for rehearing, reargument or reconsideration of Decision No. 86791. On June 17, 1975, by Decision No. 87103, the Commission granted reargument of Decision No. 86791, and set July 2, 1975, as the date on which oral argument would be heard by the Commission with respect to Respondent's application for rehearing, reargument or reconsideration. On June 19, 1975, said date was vacated and oral argument was reset for hearing on July 8, 1975, on which date the Commission heard oral argument of the parties herein.

PROCEDURE AND RECORD PRIOR TO RECOMMENDED DECISION NO. 86436

On July 31, 1974, Mountain States Telephone and Telegraph Company, hereinafter referred to as Respondent, filed Advice Letter No. 1010 with this Commission. Advice Letter No. 1010 was accompanied by numerous tariff sheets, the purpose of which was to establish rates and practices for a new service offering called "Com Key 718 Multi-Line Telephone System," which Respondent intended to introduce into its General Exchange Tariff as a service offering. This tariff filing would have made revisions and additions to tariff Colorado PUC No. 5 - Telephone. It was requested by Respondent that the filing become effective on August 30, 1974.

Subsequent to Respondent's filing of Advice Letter No. 1010, the Attorney General of the State of Colorado, Sturgeon Electric Company, and Executone of Colorado, Inc., all submitted requests to the Commission that the tariffs filed along with Advice Letter No. 1010 be suspended, and that an investigation into the matter be held.

On August 20, 1974, the Commission issued its Decision No. 85563, which suspended the effective date of the tariffs accompanied by

Advice Letter No. 1010, designated the Attorney General of the State of Colorado as an Amicus Curiae, allowed Sturgeon Electric Company and Executone of Colorado, Inc., to intervene in the matter, and assigned Investigation and Suspension Docket No. 881 to the matter. The matter was set for hearing, and due and proper notice was given to all interested persons, firms, or corporations of the hearing, which was to begin on October 3, 1974, at 10 a.m. in the Hearing Room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado. Decision No. 85563 also ordered that any other person, firm, or corporation desiring to intervene as a party in the matter would have to file an appropriate pleading with the Commission on or before September 26, 1974. No such petitions were filed and no other parties intervened in the proceedings.

On September 10, 1974, the Commission issued its Decision No. 85661, which denied Intervenor Sturgeon Electric Company's Motion for a Commission Hearing En Banc, and assigned the matter to Examiner Robert E. Temmer to hear the matter and render a Recommended Decision thereon. On September 26, 1974, Decision No. 85747 was issued. It ordered that the direct case of Respondent and any questions of voir dire or clarification would be heard on October 3, 1974, and October 4, 1974, if necessary. On October 10, 1974, Decision No. 85813 was issued, and it ordered that the hearing on the within matter would continue on December 2, 3, 4, 5, 6, 9, and 10, 1974, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado. Due and proper notice of these dates was given to all interested persons, firms, or corporations. Subsequently, Decision No. 86020 was issued on November 27, 1974, and it ordered that the hearing dates set for December be vacated, and reset the matter to commence on January 16, 1975, at 10 a.m. in the Hearing Room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and that the additional hearing dates of January 17, 20, 21, 22, 23 and 24, 1975, would be reserved for hearing if necessary. Due and proper notice of these dates was given to all interested persons, firms, or corporations.

The hearing was held on October 3 and 4, 1974, and on January 16, 17, 20, 21, 22 and 23, 1975. A hearing was also held on December 2, 1974, concerning certain motions regarding discovery proceedings, and a Motion to Obtain an Order Permitting the Suspended Tariffs to be Effective Immediately on a Temporary Basis. Decision No. 86066 was issued December 9, 1974, disposing of these various motions.

During the course of the hearing, testimony was received from: Donald Antonio, an employee of Respondent; William E. Corbin, an employee of Respondent; Patrick W. Stout, an employee of Respondent; Richard Aylsworth, an employee of Respondent; William E. Thornton, an employee of Western Electric Company; Douglas Jensen, an employee of the American Telephone & Telegraph Company; Dr. Norman Lerner, an expert witness presented on behalf of Intervenor Sturgeon Electric Company; and Michael Procaccio, an employee of Intervenor Sturgeon Electric Company.

On January 16, 1975, it was moved that J. D. MacFarlane be substituted for John P. Moore, as John P. Moore was no longer Attorney General of the State of Colorado, and the current office holder; namely, J. D. MacFarlane should be substituted as Amicus Curiae. There was no objection to this motion and it was granted by the Examiner.

Exhibits 1 through 36 were marked and received into evidence, and Sturgeon Exhibits 1 through and including Sturgeon Exhibit 37 and Sturgeon Exhibit 39, Sturgeon Exhibit 39A, and Sturgeon Exhibits 40 through and including Sturgeon Exhibit 52 were marked for identification and admitted into evidence. The following table sets out the exhibit numbers and a designation or title of the exhibit:

- Exhibit 1 - Diagram of Key Equipment;
- Exhibit 2 - Diagram of PBX System;
- Exhibit 3 - Photograph of a 1-Button Telephone Set;
- Exhibit 4 - Photograph of a 6-Button Telephone Set;
- Exhibit 5 - Photograph of a 10-Button Telephone Set;

- Exhibit 6 - Photograph of a 20-Button Telephone Set;
- Exhibit 7 - Photograph of a 30-Button Call Director;
- Exhibit 8 - List of competitors;
- Exhibit 9 - List of features;
- Exhibit 10 - Photograph of a Tie Model 1030 Telephone Set;
- Exhibit 11 - Photograph of a Tie Model 2050 Telephone Set;
- Exhibit 12 - Photograph of an Econo-Key 200 Telephone Set;
- Exhibit 13 - Photograph of a Logic Ten Telephone Set;
- Exhibit 14 - Photograph of ITT Telephone Sets;
- Exhibit 15 - Photograph of Corinthian Telephone Set by IT&T;
- Exhibit 16 - Photograph of Lynch Key System Telephone Instruments;
- Exhibit 17 - Photograph of a Voycall 12-Button Telephone Set;
- Exhibit 18 - Photograph of an OK 1230 Telephone Set;
- Exhibit 19 - Photograph of a President 2-in-1 Telephone Set;
- Exhibit 20 - Photograph of a Patrician Telephone Set;
- Exhibit 21 - Copy of an advertisement;
- Exhibit 22 - Copy of an advertisement from The Denver Post;
- Exhibit 23 - Photograph of a Com Key 718 Telephone Set and auxiliary console;
- Exhibit 24 - List of terms applied to methods that competitors of Respondent offer in connection with telephone systems equipment;
- Exhibit 25 - Copy of an advertisement;
- Exhibit 26 - A three-page document being a stipulation between the parties concerning protective orders;
- Exhibit 27 - A single-lined drawing depicting the component parts of a 718 Com Key system;
- Exhibit 28 - A list of features for a 718 Key Telephone System;
- Exhibit 29 - A chart showing costs for a 570A Key Service Unit;
- Exhibit 30 - A chart showing capital costs;
- Exhibit 31 - A chart showing operating expenses;

- Exhibit 32 - A chart concerning contribution analysis;
- Exhibit 33 - A chart showing contribution comparisons;
- Exhibit 34 - A list of spectators at the hearing on October 4, 1974;
- Exhibit 35 - Advice Letter No. 1010 and accompanying tariff sheets specified on Pages of Advice Letter No. 1010;
- Exhibit 36 - A chart entitled 7A Communication System (718 Com Key 570A Key Service Unit Price Calculation -- March 1, 1973) Current Price;
- Sturgeon
Exhibit 1 - Memorandum dated December 31, 1973, from Don Antonio and attached competitive activity report consisting of 10 pages;
- Sturgeon
Exhibit 2 - Memorandum from D. S. Antonio dated September 30, 1974, and attached competitive flash results report consisting of 11 pages;
- Sturgeon
Exhibit 3 - "Competition/Interconnection Coordinator Job Description," consisting of 4 pages;
- Sturgeon
Exhibit 4 - "Com Key Training Instructors' Manual," prepared by Network Business Services' Corporate Staff, dated April, 1974, consisting of numerous pages;
- Sturgeon
Exhibit 5 - A one-page organization chart;
- Sturgeon
Exhibit 6 - Wheel Book 1 consisting of numerous pages;
- Sturgeon
Exhibit 7 - Wheel Book 2 consisting of numerous pages;
- Sturgeon
Exhibit 8 - "Key Telephone Market Study, August, 1973, Colorado," consisting of numerous pages;
- Sturgeon
Exhibit 9 - "Key Telephone Market Study, August, 1973, Company," consisting of numerous pages;
- Sturgeon
Exhibit 10 - AT&T 2-tier contract plan, consisting of 10 sections and numerous pages;
- Sturgeon
Exhibit 11 - Memorandum dated March 9, 1972, concerning a "Preliminary report on the results of a conference conducted with Operating Company Sales people on the needs of key system market place," consisting of numerous pages;
- Sturgeon
Exhibit 12 - AT&T General Letter 73-04-072 dated April 12, 1973, signed by Richard C. Herman, and consisting of numerous pages;
- Sturgeon
Exhibit 13 - A one-page chart labeled "Total Available Market";

- Sturgeon Exhibit 14 - A memorandum dated November 1, 1973, from Robert Steen of Response Analysis to John Lear of American Telephone & Telegraph Company containing 11 pages;
- Sturgeon Exhibit 15 - Preliminary draft of Com Key 718 Market Study, prepared by Response Analysis, and consisting of numerous pages;
- Sturgeon Exhibit 16 - "Com Key 718 Market Introduction Study," dated July, 1974, and containing many pages;
- Sturgeon Exhibit 17 - A three-page document entitled "Com Key 718 Controlled Market Introduction Results through 9-14-73";
- Sturgeon Exhibit 18 - A three-page document entitled "Com Key 718 Controlled Market Introduction Results through 10-5-73";
- Sturgeon Exhibit 19 - A multi-page document comprising the introductory package for both Com Key 718 and 1434 Key Telephone Systems;
- Sturgeon Exhibit 20 - A two-page document entitled "Total Capital Costs";
- Sturgeon Exhibit 21 - A multi-page document containing estimated cost data for various Com Key 718 components dated 3-13-74;
- Sturgeon Exhibit 22 - AT&T General Letter 73-02-082 dated February 9, 1973, covering cost of money computations, and containing numerous pages;
- Sturgeon Exhibit 23 - A multi-page document concerning "Illustrative Cost Study of Package Key telephone service -- Com Key 718," dated October 1, 1973, from Engineering Director -- Intrastate Costs to Assistant Vice President's Engineering, AT&T;
- Sturgeon Exhibit 24 - Memorandum for file from F. W. Monsees and E. Piatkowski of Bell Laboratories dated December 12, 1973, consisting of multiple pages, and concerning the results of time and motion work on the 7A Communications System in Phoenix, Arizona;
- Sturgeon Exhibit 25 - A multi-page document consisting of five memoranda and one letter, the first of which is dated June 13, 1973, and is from F. W. Monsees of Bell Laboratories;
- Sturgeon Exhibit 26 - A multi-page document concerning "Uniform Methodology for Development of Administrative Overhead Expense Factors";
- Sturgeon Exhibit 27 - A multi-page document consisting of the "Aylsworth working papers," dated 3-13-74;

- Sturgeon - A multi-page document consisting of computer
Exhibit 28 print-outs, dated 3-13-74;

- Sturgeon
Exhibit 29 - The deposition of Patrick W. Stout;

- Sturgeon - Memorandum from Don Antonio dated December 31,
Exhibit 30 1974, and attached December, 1974, "Competitive
Flash Results Report" containing four pages;

- Sturgeon - Memorandum to Mr. R. J. Pringle dated March
Exhibit 31 12, 1974, and attachments;

- Sturgeon
Exhibit 32 - The deposition of Richard Aylsworth;

- Sturgeon - The deposition of William E. Corbin in three
Exhibit 33 volumes;

- Sturgeon - AT&T General Letter 72-08-093 dated August 10,
Exhibit 34 1974, consisting of numerous pages;

- Sturgeon
Exhibit 35 - The deposition of Robert L. Hess;

- Sturgeon - One-page document entitled "Manual Equipment
Exhibit 36 Forecast of Results - Bell Customers Only";

- Sturgeon - One-page document entitled "Station Apparatus
Exhibit 37 Forecast of Results - Bell Customers Only";

- Sturgeon - A multi-page document entitled "Mountain Bell
Exhibit 39 Com Key Tariff Hearing Investigation and Sus-
pension Docket No. 881, Response to Transcript
Requests for Information made by Counsel for
Sturgeon Electric Company during Deposition
of W. E. Thornton of Western Electric Company";

- Sturgeon - A one-page document entitled "Memorandum
Exhibit 39A accompanying E.L. 2452";

- Sturgeon - A Western Electric ad appearing on P. 35 of
Exhibit 40 the January 20, 1975, issue of Newsweek;

- Sturgeon - A multi-page document entitled "Report on Oper-
Exhibit 41 ating Results Western Electric, Inc., Year 1973";

- Sturgeon
Exhibit 42 - The deposition of Douglas Jensen;

- Sturgeon - The deposition of Western Electric Company by
Exhibit 43 William Eugene Thornton;

- Sturgeon - Multi-page document entitled "Volume 1 of Three
Exhibit 44 Volumes, Com Key Information";

- Sturgeon - A multi-page document entitled "Total Installed
Exhibit 45 Prices 7A and 14A Communications Systems Service
Cost Estimates versus Actual Case Averages 7-15-74";

Sturgeon - Multi-page document entitled "Business Telephone
Exhibit 46 Systems 718-1434";

Sturgeon - Minutes of the Eighth Meeting of the Committee for
Exhibit 47 the Design and Manufacture of the 10A and 12A
Communications Systems, consisting of five pages;

Sturgeon - Deposition of American Telephone & Telegraph
Exhibit 48 Company by Douglas Jensen;

Sturgeon - Memorandum dated March 19, 1973, from J. W.
Exhibit 49 Hawn to Mr. E. D. Hoffman plus attachments;

Sturgeon - A multi-page document entitled "Testimony of
Exhibit 50 Dr. Norman C. Lerner";

Sturgeon - A multi-page document consisting of the
Exhibit 51 Uniform System of Accounts;

Sturgeon - A multi-page document entitled "Contribution
Exhibit 52 Analysis for a Configured 718."

The Examiner, on his own motion, took official notice of
Commission Decision No. 86103, issued December 20, 1974.

After the presentation of evidence was completed, the Examiner ordered that the participants in the hearing could submit simultaneous briefs by February 7, 1975. The Examiner extended this time period so that briefs to be filed were in the mail by February 18, 1975. Briefs were duly received from the Respondent, from Intervenor Sturgeon Electric Company and from Amicus Curiae. On February 24, 1975, Intervenor Sturgeon Electric Company filed its Motion to Strike certain portions of Respondent's brief. Said motion was denied.

At the conclusion of the hearing, the subject matter was taken under advisement, and the Examiner's Recommended Decision No. 86436 was entered on March 6, 1975.

FINDINGS OF FACT

Based upon all the evidence of record; Exceptions, Application for Rehearing, Reargument or Reconsideration and briefs filed herein; and oral argument, the following is found as fact:

I.

PARTICIPANTS

1. Respondent Mountain States Telephone and Telegraph Company is an operating telephone company providing telephone service in various parts of the State of Colorado and certain other states. The intrastate operations of Respondent conducted in Colorado are subject to the jurisdiction of this Commission. Respondent is a subsidiary of the American Telephone & Telegraph Company, hereinafter referred to as "AT&T," and as such is a part of the "Bell System," which is comprised of Respondent, other operating companies like Respondent which are also subsidiaries of AT&T, AT&T, Western Electric Company, hereinafter referred to as "Western," and Bell Telephone Laboratories, which is hereinafter referred to as "Bell Labs." Western is the manufacturing arm of the Bell System, and Bell Labs is the research arm of the Bell System.

2. Intervenor Sturgeon Electric Company, hereinafter referred to as "Sturgeon," is not a regulated utility, and is not subject to the jurisdiction of this Commission other than through its appearance in this proceeding. Sturgeon is an "interconnect" vendor, engaged in supplying communication equipment which is interconnected with the utility lines of Respondent, and as such, is a competitor of Respondent.

3. Intervenor Executone of Colorado, Inc., hereinafter referred to as "Executone," is not a regulated utility and is not subject to the jurisdiction of this Commission, other than through its appearance in this proceeding. Executone is also an "interconnect" vendor, supplying communications equipment which interconnects with the utility lines of Respondent, and as such is also a competitor of Respondent.

4. Amicus Curiae, the Attorney General of the State of Colorado, is an elected official of the State of Colorado charged with the duty of

enforcing the anti-trust and anti-monopoly statutes of this State, and appears in this proceeding to make his views known concerning any anti-trust or anti-monopoly aspects of this proceeding.

5. The Staff of this Commission also participated in this proceeding pursuant to Rule 7 of the Rules of Practice and Procedure of this Commission.

II.

ADVICE LETTER NO. 1010 AND THE SUSPENDED TARIFFS

6. Exhibit 35 consists of Advice Letter No. 1010 and the tariffs that are under suspension in this proceeding. Advice Letter No. 1010 contains a table of all the accompanying tariff sheets, which consist of 43 separate sheets. The stated purpose of the tariff filing is to introduce the Com Key 718 multiline telephone system into the General Exchange Tariff as a service offering, and to set up distinctions between fixed multiline telephone service and flexible multiline telephone service. The tariff sheets also contain rates and practices for the Com Key 718 fixed multiline telephone service and sets forth a form of lease proposed to be used for the Com Key 718 system. Respondent designates this form of lease as a "Tela-Lease."

III.

THE COM KEY 718 FIXED MULTI- LINE TELEPHONE SYSTEM

7. The Com Key 718 system is designated as a "fixed multiline telephone system," as opposed to a "flexible multiline telephone system," such as the 1A2. The primary distinction is that all central office or PBX lines must be terminated in the same order in each station set (telephone set) in a fixed system as opposed to a flexible multiline system where different arrangements of central office or PBX lines can appear on each station set.

8. The Com Key 718 system can accommodate up to seven central office or PBX lines and up to 18 stations. As previously noted, all central office or PBX lines must terminate in the same order in each station set. This is also referred to as a "squared" system.

9. The station sets or telephone sets provided in conjunction with Com Key 718 are 10-button telephone sets. The basic features included with the Com Key 718 system are as follows: line pickup, busy lamp, wink hold, automatic button restoral, tone signaling on incoming central office lines, two intercommunicating lines, tone and voice signaling on the intercommunicating lines, multiple central office line conferencing, night transfer of incoming central office line signal from the primary answering station to one alternate answering station, and privacy/privacy release on all stations except the primary answering station. Optional features for the Com Key 718 system are station restriction, pre-set conferencing for signaling and conferencing up to five intercom line codes, power failure transfer, busy lamp console consisting of either a message waiting console or a direct station selection console, voice-paging system, music-on-hold, and speaker phones. The telephone sets are available in either rotary dial, or an optional touch-tone type dial where central office capabilities allow this feature.

10. The system is designed so that all incoming calls ring at an attendant station, and the "night transfer" feature allows this ringing to be transferred to one alternate station. The automatic button restoral feature is such that when the handset is put back in the cradle (i.e., hung up), all line buttons pop up. The tone and voice signaling feature on the intercommunication line is such that when a call is coming over an intercom line, a tone signal is transmitted to the set being called, instead of having a bell ring, and the person calling the station can transmit a voice message to the called station without the person at the called station picking up the handset. This is accomplished by means of a speaker in the base of the station set. Multiple central office line conferencing is accomplished by depressing more than one central office button at the same time. Privacy/privacy release is a feature so that once a call is in progress, other stations on the system cannot join in

the call or listen in on the call unless they are allowed to by the person who has the call in progress engaging the privacy release function. Station restriction is such that the telephone station set, which is restricted, can only receive incoming calls and intercom calls but cannot originate outgoing calls. Pre-set conference on the intercom line allows more than two stations to be signaled and connected on an intercom path at once. Power failure transfer is a feature that provides alternate power in case commercial power should fail. This alternate power is just for certain features. The busy lamp console is a device provided at the attendant station so that the attendant can know which stations are in use and can either give an indication to the person on the station there is a message waiting or can directly connect the call to that station. Each function requires a different console. The voice-paging system is a feature that allows the attendant to page for a particular person who is not at his station and is not accomplished with the speakers on the station sets, but is accomplished through means of externally mounted speakers mounted somewhere in the building. Music-on-hold is a feature that allows the customer to supply music so that when a call is placed on hold, the person on hold will hear the music. This can also be used so that background music will be transmitted over the paging system. The speaker phone is a standard type of speaker phone used with other types of telephone sets as is touch-tone dialing.

11. Some of the Com Key 718 system features discussed above are not available on other key telephone systems that the Respondent presently offers, such as the 1A2. However, the service provided by each is essentially the same. The Com Key 718 system was developed by the Bell System, and specifically by AT&T, Bell Labs, and Western for use as a business communication system.

IV.

HISTORY OF THE DEVELOPMENT OF COM KEY 718

12. The Com Key 718 telephone system was developed by AT&T, Bell Labs and Western because the Bell System had been experiencing

competitive losses in the market place, which was reducing revenue and market shares. That is, interconnect companies had been successful in competing with the Bell System companies and in selling systems consisting of terminal equipment that would interconnect with the telephone lines of the Bell System, rather than the Bell System companies being successful in furnishing the terminal equipment to the consumer. Com Key 718 was developed to beat the competition the Bell System was facing.

Work on the development of the Com Key 718 system, and its sister system, the Com Key 1434, began in 1972 and involved a tri-company effort, consisting of AT&T, Bell Labs, and Western. This came about as a result of certain market studies performed by the AT&T Marketing Department, which resulted in the conclusion that the Bell System should develop a new key telephone system with the feature and price requirements desired in the market place and which the competition was supplying. As a result, AT&T authorized Bell Labs to design a key telephone system with the features desired in the market place, and set price objectives for the system. Bell Labs then undertook the project of designing a system as directed by AT&T. A tri-company committee was set up with members from Western, Bell Labs, and AT&T to coordinate the development of the system. Once the design had been arrived at by Bell Labs, it was forwarded to Western for manufacture. During this time, there was a cost price review team composed of members of Bell Labs and Western, whose function was to see that the design would meet the price objectives that had been set. In addition, some members of the coordinating committee for the development of Com Key were to see that the design met the price objectives. Once the design information was transmitted to Western, Western proceeded to prepare manufacturing drawings and information and proceeded with the manufacture of the component parts for the Com Key 718 systems that would be offered to operating telephone companies of the Bell System.

13. After the manufacturing processes had been set up by Western, it was desired by AT&T that a market trial be conducted. Respondent conducted a market trial in Phoenix, Arizona, and placed approximately 80

Com Key 718 systems into service. A similar market trial was performed in Pennsylvania, but not on as large a scale as the Phoenix trial. The purpose of the market trials was to test market responses to the system, evaluate market desire for the new features, and to evaluate the system under actual field operating conditions. Certain studies were conducted during the Phoenix trial, and the results were made available both to the Respondent and AT&T. As noted, the specific purpose for the development of the Com Key 718 was to beat the competition that the Bell System had encountered.

14. After the market trial, Western was authorized to sell the Com Key 718 system to operating telephone companies within the Bell System, so that individual operating companies, such as Respondent, could make it the subject of a tariff filing.

15. Western established prices for the various components of the Com Key 718 system. Once the price was set, it was nonnegotiable and it was the same throughout the country. Western recently made some price changes, increasing some, and decreasing others. The overall effect of these changes is not significant.

V.

HISTORY OF THE RATE STRUCTURE FOR THE COM KEY 718

16. At about the time the Com Key 718 system was being developed, AT&T began work on a new methodology for pricing terminal equipment. This methodology was not developed specifically for the Com Key 718, but would be applicable to it. It was called the two-tier pricing concept. This concept was also developed as a result of certain studies carried out to determine what customers wanted in the way of pricing. It was determined that customers desired to have prices decrease after a period of time for terminal equipment. Thus, AT&T developed this pricing concept, which was that the price would be in two parts or tiers, and the first tier of the

price would only last for a certain period of time, and after that period of time, the customer would be obligated to pay only the second tier. It was contemplated that the first tier of the price would last for various periods of time, allowing the customer to choose, and that this tier would be designed to recover capital costs. The second tier would go on indefinitely, as long as the customer continued with the service, and would be designed to recover annual maintenance costs. It was contemplated that the periods of time for the first tier would be three, five, or seven years. The customer would be guaranteed that the first tier would not be changed by tariff filing; however, the second tier could be. Along with this concept, AT&T developed the idea of what it calls a "vintage tariff," so that if capital costs go up, the first tier can be changed so that future customers would have a new first tier price, whereas the price would remain the same for existing customers.

17. Respondent conducted certain market studies during this period of time, which included a lengthy study called Project Wheel. This was a comprehensive study of key systems and PBX systems. It was an interdepartmental project to develop a recommendation for unified action in the competitive PBX and key system market concerning new and different pricing and paying plans, and to provide methodology for doing this. The study assumed that fixed-term contracts are necessary and that vintage tariffs, as devised by AT&T, are workable. It utilized as closely as possible to the two-tier plan developed by AT&T.

18. The studies discussed above became the main inputs which resulted in the structure of the tariff filing which is here under consideration, as it is a tiered concept tariff offering a fixed period contract on a vintage basis.

VI.

RESPONDENT'S METHOD AND OBJECTIVE IN SETTING ITS RATE LEVELS

19. Respondent decided to offer the Com Key 718 and desired to have it priced at a "responsive rate level." Respondent determined a price

or rate level that would allow it to meet certain marketing objectives, and then proceeded to try to determine what its costs were in an effort to make sure that the costs would not be above the price or rate level that had been chosen. In addition, a concept similar to the two-tier method was used because of market studies that showed customers wanted this type of payment option. It was decided to use this method of pricing, i.e., determining a price that would arrive at a marketing objective, because of competition and competitive losses that had been suffered by Respondent. For example, in 1974 there were 241 key systems bought in Respondent's territory from interconnect companies, and, therefore, there were 241 systems that Respondent lost. This compares to 252 key systems that Respondent did furnish and which the interconnect companies, therefore, did not. In 1973, Mountain Bell lost 270 key systems and won 240 key systems.

20. The rate levels or price selected by Respondent were arrived at by Respondent. Respondent received inputs from AT&T, as outlined above, concerning the two-tier pricing concept and other matters, which included illustrative tariffs. However, the final determination concerning the rate level Respondent would set for the system was that of Respondent. Respondent's primary objective in setting the price level that it did was to achieve market objective. Respondent estimated that if it did business as usual without introducing the new Com Key system under the new pricing method, its future market share would drop to 77%. It also predicted that if it introduced the Com Key 718 system at the prices selected, it would have a 90% market share by 1978.

VII.

RESPONDENT'S COSTS ASSOCIATED WITH COM KEY

21. Respondent conducted certain cost studies concerning its proposed offering of the Com Key 718 telephone system. These cost studies were designed to take into account incremental costs that would be

associated with putting a Com Key 718 telephone system into service, and Respondent did not attempt to make cost estimates on a fully allocated or fully distributed basis.

22. Respondent took into account the prices for the various components of a single Com Key 718 system that would have to be purchased from Western, along with applicable sales taxes and inventory costs associated with these components. Respondent also took into account costs for materials and supplies that would be required in the installation of a single Com Key 718 system, sales taxes, and inventory costs associated with these materials, and installation labor, clerical costs, and supply costs. In addition to the above items, Respondent took into account removal costs which would be incurred when a Com Key 718 system would be taken out of service, plus the cost of money and income taxes, to establish its estimate of capital costs. In establishing an estimate of operating expenses for a single Com Key 718, Respondent took into account annual maintenance, ad valorem taxes, direct administration, gross receipts tax, and restoration directly associated with a Com Key 718.

23. The direct administration expense that Respondent took into account was calculated according to methodology supplied to Respondent by AT&T, and was 2%. Respondent asserts in this proceeding that a figure of 6% would cover all overhead expenses. (Respondent, however, asserted in I&S Docket No. 867 that it had a systemwide overhead expense of 20%.) Respondent did not use the 6% figure because Respondent felt it was not relevant. Thus, Respondent's calculated operating expenses do not include charges for all of the general overhead expenses Respondent incurs.

24. Respondent's cost estimates for the Com Key 718 offering do not include charges for marketing, direct selling expense and for training salesmen and others who will be associated with the Com Key 718 service offering. Respondent assumed, in its cost calculations, that these costs, as well as other costs Respondent classified as being in the general

overhead of the Company, would be taken care of by the contribution that Respondent asserted would be created by the Com Key offering.

Thus, Respondent has calculated its costs based on the assumption that the order has been placed for a single Com Key 718 and that the only relevant costs are those directly associated with physical installation and removal, capital costs incurred in supplying a single Com Key 718, and annual operating and refurbishing expenses that are directly associated therewith. All other costs incurred by Respondent are assumed to be in the category of general overhead.

25. Given the method used by Respondent, and the evidence introduced in this proceeding, it is impossible to determine whether a Com Key 718 system would produce a contribution or not, and, if it did, whether or not the contribution that would be generated would be sufficient to make the provision of the service profitable for Respondent if Com Key 718 were the only service provided by Respondent. Thus, the Commission is unable to find that the rates as filed are cost-supported or compensatory, and, therefore, just and reasonable.

VIII.

THE RELEVANT MARKET

26. The relevant market is Colorado and consists of all main key telephone systems of three or more lines, all key telephone systems of three or more lines behind PBX, and PBX telephone systems of under 40 lines. At the time of the hearing, Respondent had slightly less than 92% of the relevant market, but slightly more than 99% of the key telephone market. Eighty-eight percent of Respondent's business customers use key telephone systems. In 1973, there were more than 18,000 key telephone systems in use in Colorado. Respondent stated that there are 17 interconnect companies competing with Respondent.

27. The market studies that Respondent has conducted, and those conducted by AT&T, establish that customers desire features like those that are offered on the Com Key 718 telephone system and which are presently offered by Respondent's competitors. In addition, these

studies establish that customers would like to have payment options available rather than being limited to a continuing monthly charge. Respondent's competitors offer different types of payment plans, including leases of various types. Respondent has not previously offered any alternative payment plan.

IX.

THE PROPOSED METHOD OF
OFFERING COM KEY 718

28. Respondent proposes in this proceeding to offer the Com Key 718 telephone system only by means of the Tela-Lease. To get a Com Key 718 telephone system, a customer would have to sign an eight-year lease with Respondent, and under the proposed tariff would not have any other option available. If the customer desires to terminate the lease before its expiration, he must pay a termination charge if the lease has not gone beyond the "fixed rent payment period." The fixed rent payment period is three, five, or seven years, depending on which term of years the customer has selected for the fixed rent payment period. If the customer desires to terminate during this period, he is obligated under the lease to pay the remainder of the fixed rent set out in the lease, plus the constant part of the variable rent that would be due for the remainder of the fixed rent payment period. If the customer desires to terminate the lease after the expiration of the fixed rent payment period, he may do so by giving 60 days' prior notice thereof, and then he would not be subject to an early termination charge.

29. Respondent considered offering the Com Key 718 on both a lease basis and a standard month-to-month basis. Respondent concluded that it would introduce the Com Key 718 only on a lease basis and that perhaps some time in the future it would file additional tariffs so that the Com Key 718 would be offered on a standard month-to-month basis.

30. The proposed method of offering Com Key 718 could have the effect of tying any customer who entered into such a lease to the Respondent for three, five or seven years, and could effectively take that customer out of the market place, and could be a barrier to allowing the customer to freely choose other systems.

31. The proposed lease is treated in the tariffs so that once a customer signs the lease the fixed part of the rent called for by the lease is not subject to being increased by tariff change. However, Respondent is able, by tariff filing, to increase the fixed portion of the rent for future customers so that if Respondent's direct capital costs increase in the future, this can be appropriately reflected in the tariff charges for future customers. This tariff arrangement is known as a "vintage tariff."

DISCUSSION

This proceeding involves many complex issues, among which are (1) the propriety of using an incremental cost approach; (2) the propriety of Respondent's specific application of the method it denotes as long-run incremental cost (LRIC); (3) the propriety of offering Com Key 718 equipment by means of a lease; (4) whether or not the proposed Tela-Lease could be a device by which Respondent could tie up the key telephone market and thus eliminate competition; and (5) whether or not the proposed tariffs are just and reasonable under the Public Utilities Law. Various positions have been advanced by the participants in this proceeding concerning these matters.

Respondent finds itself faced with competition in the market place when in the very recent past it enjoyed a monopoly position. It was in response to competition that AT&T, Bell Labs and Western developed Com Key 718. The Commission recognizes the benefits that have accrued to the public through the introduction of competition. On the other hand, there is the question of the impact of competition upon residential rates. This question is presently under study in other jurisdictions with some indications that residential rates might be adversely affected by substantial market penetration by the interconnect companies. The Commission considers the question

unresolved at present, and believes the public interest will best be served by a balancing of the benefits realized from competition with the possible adverse effects that such competition might have on residential rates.

Competition in the area of terminal telephone systems equipment has been declared to be in the public interest. Hush-A-Phone v. United States, 238 F.2d 266 (D.C.Cir. 1956); In the Matter of Carterfone, 13 F.C.C.2d 420 (1968); Telerent Leasing Corp., 45 F.C.C.2d 204 (1974); Mebane Mobile Home Telephone Company, Docket No. 20476 (Decision No. F.C.C. 75-534, June 4, 1975). Given this declaration of public policy, it is the Commission's opinion that it should consider the State anti-trust laws in determining whether the proposed tariffs are just and reasonable. C.f., Gulf States Utilities Co. v. Federal Power Commission, 411 U.S. 747 (1973); Otter Tail Power Company v. United States, 410 U.S. 366 (1973).

One difficulty in this proceeding is Respondent's proposal to offer Com Key 718 by means of the Tela-Lease, which will be entered into between Respondent and its customer. First, the Colorado courts have on several occasions dealt with the concept of a fixed-term contract for a fixed rate between a utility customer and a utility company. The courts have held that such contracts would not be binding on this Commission and that the rates contained therein would be subject to increase by proper tariff filing, Ohio and Colorado & Refining Company v. Public Utilities Commission, et al., 68 Colo. 137, 187 P. 1082 (1920), or by Commission investigation. Thus, a fixed-term contract for a fixed rate could be illusory to the customer and could be the means for customer deception. Further, it has been stated by the courts that such contracts are impractical, if not impossible, because of the difficulties with changing rates. Wolverton v. Mountain States Telephone and Telegraph Company, 58 Colo. 58, 142 P. 165 (1914).

Second, Respondent has monopoly power because: (1) Respondent has slightly less than 92% of the relevant market in Colorado (i. e., slightly less than 92% of all main key telephone systems of three or more lines, all key telephone systems of three or more lines behind PBX, and PBX telephone systems of under 40 lines) and in excess of 99% of the directly competitive key market portion of the relevant market; (2) Respondent is massive in size; and (3) Respondent, for a long time, was the only source of supply in the market, a market structure that has just recently changed. The Tela-Lease under consideration in this proceeding could be a device that would allow Respondent to continue its control of the key telephone systems market in this State (and to that extent, the relevant market) and could permit Respondent to tie up and eliminate competition in this market.

Third, Com Key 718 was developed by AT&T, in combination with Western and Bell Labs to eliminate the competition the Bell System was facing in the terminal telephone systems market.

AT&T, and later Respondent, engaged in extensive efforts to determine the desires of telephone customers. As a result of the studies conducted by AT&T, the Com Key 718 telephone system was developed in order to provide features desired by customers in the key telephone market. The public should not be deprived of having available to it this new telephone system with its features that customers desire.

The most difficult problem in this proceeding has been the determination of the price level at which Com Key 718 should be offered. The Commission in this proceeding is attempting to steer a hazardous course between the Scylla of limit entry pricing and the Charybdis of umbrella pricing. In the first situation, if a monopoly is permitted to set prices at less than cost for those services where

it faces competition, this will result in the suppression of new entry and/or the elimination of present competitors. The Company is able to pursue such a pricing strategy because it enjoys a monopoly structure in part of its market and can subsidize its competitive offerings from the returns of its monopoly services (in the instant case, the sale of service to the general ratepayer). It is the Commission's aim to prevent, if at all possible, cross-subsidization of Respondent's competitive services by Respondent's monopoly services. However, an equally undesirable pricing mechanism is umbrella pricing, or the setting of prices above costs under conditions of maximum efficiency. Such prices maintain rates above lowest possible costs and therefore permit the survival of inefficient firms. It should be noted that the Commission does not regulate Respondent's competitors and cannot review their costs and prices. The Commission is attempting to avoid both of the above noted undesirable pricing patterns.

Respondent in this proceeding has determined its costs for Com Key 718 on an incremental cost basis, rather than on a fully distributed cost basis. The theory advanced by Respondent in support of its method, is that only those costs that are directly related to the installation and removal of a single Com Key 718 system should be considered in determining the price level at which that single Com Key 718 system should be offered. The Commission rejects this theory for pricing Com Key 718, as well as Respondent's application of this theory in this proceeding, because, as applied, it does not include all costs that the Commission finds to be directly as well as indirectly related to this proposed service. The Commission, likewise, rejects the Tela-Lease as filed in this proceeding. The Commission, however, accepts the two-tier pricing theory developed by AT&T, and the three-tier pricing theory developed by Respondent as well as "vintage" pricing for capital costs.

After deciding to reject Respondent's theory of incremental pricing for Com Key 718, and Respondent's application of this theory in this proceeding, and after having been persuaded on reargument that two-tier or three-tier rates established by using the marketing price information contained in the Wheel Book would not produce proper rates, the Commission thoroughly searched the record for sufficient evidence upon which to establish just and reasonable rates on a fully distributed cost basis. Finding insufficient data in the present record to permit the Commission to design two-tier or three-tier rates on a fully distributed cost basis, the Commission will not establish rates for Com Key 718 on a two-tier or three-tier basis in this proceeding. However, inasmuch as C.R.S. 1973, 40-6-111(2), mandates that the Commission establish rates, and inasmuch as the Commission desires that Com Key 718 be made available to the public, the Commission will hereinafter establish rates for Com Key 718 on a month-to-month basis equal to existing rates of Respondent for key telephone service provided by 1A2 key telephone equipment. Service provided by Respondent to customers by means of Com Key 718 equipment will be essentially the same service (except for a few optional features that are not available on 1A2 equipment) provided by Respondent to customers by means of 1A2 equipment. The existing rates for key telephone service by means of 1A2 equipment, although presently under challenge in court, are deemed by law to be just and reasonable. Where different customers are provided essentially the same service, it is permissible to establish new rates for the one service equal to the existing rates for the other service. Secretary of Defense v. Public Utilities Commission, ___ Colo. ___, 527 P.2d 524 (1974).

In the event that Respondent wishes to offer Com Key 718 in the future on a two-tier or three-tier basis, Respondent will be required to supply data on its costs on a fully distributed basis. Included in said evidence, amongst other things, should be evidence

of the costs to AT&T, including all study costs, for development of Com Key, costs to Bell Labs for research and development of Com Key, and costs to Western for the manufacture of Com Key, as well as Respondent's direct and indirect costs in marketing Com Key.

The 210-day suspension period provided in C.R.S. 1973, 40-6-111(1) expired on March 28, 1975. Inasmuch as the final decision of the Commission had not been entered and effective by March 28, 1975, the tariff sheets attached to Advice Letter No. 1010 became effective subject to decision by the Commission in this docket proceeding, as provided in C.R.S. 1973, 40-6-111(2), which reads in part:

(2) On such hearing, whether completed before or after the expiration of the period of suspension the commission shall establish the rates, fares, tolls, rules, or regulations proposed, in whole or in part, or others in lieu thereof, which it finds just and reasonable. (Emphasis added.)

On April 29, 1975, Respondent refiled the identical tariff sheets originally filed with Advice Letter No. 1010 as part of its filing with Advice Letter No. 1094, except that the effective date of August 30, 1974, was replaced with the date March 28, 1975, and the tariff rates were changed to reflect Decision No. 86103 in Investigation and Suspension Docket No. 867. Since the tariff sheets as filed with Advice Letter No. 1010 and refiled with Advice Letter No. 1094 will hereinafter be rejected, it shall hereinafter be ordered that Respondent cancel, effective on the day this decision becomes effective, all leases, if any, entered into between Respondent and its customers under the provisions contained in the tariff sheets filed with Advice Letter No. 1010 and refiled with Advice Letter No. 1094. The Commission finds that the circumstances under which Respondent could market Com Key after the expiration of the suspension period (if marketing has in fact occurred), that upon cancellation of any lease by Respondent as hereinafter ordered, it would be unjust and unreasonable for Respondent to

impose upon any customer whose lease is being cancelled any termination charges. Accordingly, Respondent will hereinafter be ordered to inform each customer at the time said customer's lease is cancelled that no termination charge may be imposed and Respondent will impose no termination charge.

CONCLUSIONS ON FINDINGS OF FACT

1. Com Key 718 and Com Key 1434 were developed by AT&T in combination with Bell Labs and Western to beat the competition the Bell System was facing in the terminal key telephone systems market.

2. The Tela-Lease could be a means to enable Respondent to continue its control of the key telephone systems market, and thus to tie up the market and accomplish the market coverage objective set by AT&T of 100% of all key telephone customers with three lines and above.

3. The evidence in this proceeding is insufficient to establish that the rates as filed are cost-supported or compensatory.

4. The evidence in this proceeding is insufficient to establish that the rates as filed are just and reasonable.

5. Respondent should be required to file new tariff sheets for Com Key 718 service setting rates on a standard month-to-month basis. The monthly rates should be equal to existing rates of Respondent for key telephone service provided by 1A2 key telephone equipment.

6. Because the public interest is strongly involved in this competitive area, the Commission should monitor the effects of this decision by requiring Respondent to submit quarterly reports of competitive wins and losses. This report should show the number of instances in which Respondent competed for a key system customer, the number of times it won the competition, and the number it lost. The report should also show the number of Com Key 718 systems installed that quarter, the number of competitive key systems installed that

quarter and Respondent's estimate of its overall market share of the key telephone system.

O R D E R

THE COMMISSION ORDERS THAT:

1. The tariff sheets filed with Advice Letter No. 1010 be, and the same hereby are, rejected.

2. Respondent be, and hereby is, ordered to file new tariff sheets for Com Key 718, offering the system on a standard month-to-month basis at the rates set forth in Appendix A to this decision.

3. Service charges for installations, moves, and changes of Com Key 718 equipment shall be the same as those for comparable 1A2 equipment.

4. Respondent shall, within ten (10) days after entry of this Order, cancel all leases, if any, entered into under the provisions of the tariff sheets filed with Advice Letter No. 1010 and refiled with Advice Letter No. 1094. Cancellation of said leases shall be effective on the date this Order becomes effective. Respondent, at the time it notifies a customer of the cancellation of the lease, shall further inform said customer that no termination charge may be or will be imposed; and Respondent shall impose no termination charge.

5. Respondent shall file with the Commission quarterly reports of competitive wins and losses. Such reports shall show the number of times the Respondent competed for a key system, the number of times it won the competition, and the number of times it lost. The report shall also show the number of Com Key 718 systems installed that quarter, the number of competitive key systems installed that quarter, and Respondent's estimate of its overall market share of the key telephone system market.

6. The tariffs provided for herein shall be filed not later than ninety (90) days after the effective date of this Order, to become effective upon less than thirty (30) days' notice.

7. The Commission hereby retains jurisdiction in this matter to make such further Order or Orders as may be required.

8. The Exceptions to Recommended Decision No. 86436 filed March 26, 1975, by Respondent and Intervenor Sturgeon Electric Company, and the Application for Rehearing, Reargument or Reconsideration of Decision No. 86791, filed by Respondent on May 27, 1975, to the extent not granted herein, be, and the same hereby are, denied.

9. Decision No. 86791 is hereby superseded in whole by this decision.

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

DONE IN OPEN MEETING this 26th day of November, 1975.

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.

The law, in the public interest, has granted to Mountain Bell as a fixed public utility the right and privilege of monopoly, precluding all others from furnishing equipment, and the uses thereof, coming within the scope of its public utility function. The law, likewise in the public interest, as Mountain Bell only can furnish, and provide the use of, such equipment has granted correlative power to the Commission to fix and regulate the charges therefor, as such charges are not subject to the forces of competition to keep them "just and reasonable." In this area of public utility operation the law, on the one hand, has granted the right of monopoly eliminating competition in the public interest and, on the other hand, also in the public interest, has empowered the Commission to regulate charges to keep them just and reasonable.

The Majority states, "Respondent finds itself faced with competition in the market place when in the very recent past it enjoyed a monopoly position. . . . The Commission recognizes the benefits that have accrued to the public through the introduction of competition."¹ The Majority, therefore, recognizes that the furnishing of Com Key equipment is not within the scope of monopoly operation, otherwise no competition would be possible.

History indicates that many public utilities may, and do, simultaneously carry on an operation which is regulated and an operation which is not regulated, i.e. such operation as does not come within the scope of its monopoly area. In the non-monopoly area of operation the power to regulate prices is considered to be not needed, and is not granted. The prices are considered to be regulated by the forces of competition. Competition substitutes for regulation. For example, Mountain Bell itself furnishes an advertising service in its Yellow

1. Page 21, Decision herein.

Pages listing the names and phone numbers of customers seeking to advertise their businesses. Yet, the Commission cognizant of this principle does not regulate the charges therefor and leaves Mountain Bell in such area to operate not as a monopoly, but as a competitor among competitors.

In this instance Mountain Bell is offering Com Key equipment which may be used in connection with its telephone service as an interconnect service. Com Key equipment is equipment used by a customer on his premises to further transmit the telephonic communication as he may desire. Under the law the customer may use either Com Key, or a similar type of equipment purchased by him, or provided by others. As the customer has a choice of equipment to be used by him as an adjunct to the telephone service provided by Mountain Bell, it is clear that where Mountain Bell furnishes Com Key equipment to be used by the customer as above indicated the furnishing of Com Key equipment is not a service provided within the scope of the utility's monopoly. It, therefore, follows that the Commission has no jurisdiction over charges made by Mountain Bell for the furnishing and use of Com Key equipment as the Commission has over charges for rendering service within Mountain Bell's area of monopoly.

The Majority states, "It is the Commission's aim to prevent, if at all possible, cross-subsidization of Respondent's competitive services by Respondent's monopoly services."¹ as a reason for assuming jurisdiction over a service of Mountain Bell not within the scope of its monopoly function. Such "aim" assumes the inability of the Commission to properly segregate and allocate costs and expenses involved in the two separate areas of the Company's operation. Such assumption is contrary to reality as the Commission is constantly segregating and allocating costs and expenses for various purposes in determining rates and charges of various utilities.

1. Page 24, Decision herein.

Be that as it may, a "good end" cannot justify an "illegal" means. If the Commission does not have jurisdiction in the first instance, the fact, if it be a fact, that by asserting and exercising jurisdiction the public interest may be served is not justification.

It is clear that Mountain Bell does not have a monopoly right to furnish and provide use of, Com Key-type equipment and therefore the Commission does not have jurisdiction over its charges therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

APPENDIX A

FIXED MULTILINE TELEPHONE SERVICE

A. GENERAL

1. Basic features included with the Com Key 718 systems will be line pick-up, busy lamp, wink hold, automatic button restoral, tone signaling on incoming central office lines, two intercommunicating lines, tone and voice signaling on the intercommunicating lines, multiple central office line conferencing, night transfer of incoming central office line signal from the primary answering station to one alternate answering station and privacy/privacy release on all stations except the primary answering station.

2. Service charges for installation, moves or changes as set forth in Section 15 of the General Exchange Tariff will apply to Com Key 718 Fixed Multiline Telephone Service in addition to the service charges for individual items set forth in Part B, below.

B. RATES AND CHARGES

	<u>Monthly Rate</u>	<u>Service Charge</u>
1. Com Key 718 - Basic Service		
(a) Line Unit, each (Applicable to each central office line, PBX main sta- tion line, WATS line, voice private line or line from customer-owned systems)	\$ 4.10	-
(b) Rotary Dial Station, each	\$ 6.20	*
(c) Touch-Tone Dial Station, each	\$ 8.45	*
(d) Intercommunicating System	\$34.00	\$30.00
*See Service Charge Section of the General Exchange Tariff.		
2. Com Key 718 - Optional Features		
(a) Station restriction, per station arranged	\$.75	\$ 7.50
(b) Preset conference for simultaneous signaling and conferencing of up to 5 predetermined intercommuni- cating line codes, per system (maximum of one per system)	\$ 2.20	\$ 5.00

	<u>Monthly Rate</u>	<u>Service Charge</u>
(c) Power Failure Transfer		
Common equipment, per system	\$ 1.25	\$ 5.00
Externally mounted ringer, each	\$.75	\$ 5.00
(d) Busy Lamp Console		
With message waiting arrangement, each	\$ 7.00	\$50.00
With direct station selection arrangement, each	\$ 7.00	\$50.00
NOTE: Only one console will be provided per system.		
(e) Voice-Paging System		
Common equipment for up to 7 speakers (maximum - one per system)	\$ 3.00	\$25.00
Speakers		
Indoor, each	\$ 2.25	\$25.00
Outdoor, each	\$ 2.25	\$25.00
(f) Music-On-Hold		
An arrangement which transmits music to the individual lines terminated in the system while the line is in the hold mode, per system	\$ 5.00	\$15.00
NOTE: The rates for music-on-hold include provision for background music on the voice-paging system and are in addition to tariff rates and charges for the appropriate interconnecting unit (FTP). Customer must provide music source.		
(g) Connecting Arrangement		
Which permits the connection of customer-provided equipment that transmits music or other recorded material in conjunction with music-on-hold and background music-on-paging features of Telephone-Company-provided Fixed Multiline Telephone Service, per system (FTP)	\$ 1.25	\$10.00
(h) Speakerphone (Type 4A), each station equipped	\$ 9.00	\$15.00

(Decision No. 87834-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INVESTIGATION AND SUSPENSION)	
OF PROPOSED CHANGES IN TARIFF --)	INVESTIGATION AND SUSPENSION
COLO. PUC NO. 5 - TELEPHONE,)	DOCKET NO. 881
MOUNTAIN STATES TELEPHONE AND)	
TELEGRAPH COMPANY, UNDER ADVICE)	ERRATUM NOTICE
LETTER NO. 1010.)	

December 3, 1975

Decision No. 87834

DECISION AND ORDER OF THE
COMMISSION ON REARGUMENT

(Issued November 26, 1975)

Page 29: Ordering Paragraph 6., change the last line from:

"to become effective upon less than thirty (30) days' notice"

to:

"to become effective upon not less than thirty (30) days'
notice."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado, this
3rd day of December, 1975.

(Decision No. 87835)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE J. TODISCO, DOING BUSINESS)
AS "P. AND L. TRANSPORTATION CO.,")
3724 FAIRFIELD LANE, PUEBLO, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28677-TA

ORDER GRANTING TEMPORARY AUTHORITY

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, 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 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


EDYTHE S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87835
December 2, 1975

P. and L. Transportation Co.

Transportation -- on schedule -- of

Passengers

Between points within a one mile radius of the Pueblo County Airport, on the one hand, and the Department of Transportation Test Center located approximately twenty-three miles from the Pueblo County Airport, on the other hand.

(Decision No. 87836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *	
IN THE MATTER OF THE APPLICATION OF)	
NORTHWEST CARRIERS, INC., A UTAH)	
CORPORATION, P. O. BOX 609, MOAB,)	
UTAH, FOR TEMPORARY APPROVAL TO)	
CONDUCT OPERATIONS UNDER CONTRACT)	
CARRIER PERMIT NO. B-6151, PENDING)	APPLICATION NO. 28768-PP-Transfer-TA
DETERMINATION OF THE APPLICATION)	
TO ACQUIRE SAID PERMIT.)	ORDER GRANTING TEMPORARY APPROVAL

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHER S. MILLER - ABSENT

Commissioners
md

(Decision No. 87837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
GRAND COUNTRY U.S.A. TRANSPORTATION,)
INC., BOX 84, WINTER PARK, COLORADO,)
FOR TEMPORARY AUTHORITY TO EXTEND)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 7137.)

APPLICATION NO. 28763-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

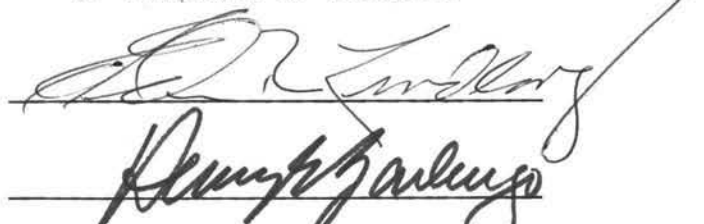
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87837
December 2, 1975

Grand Country U.S.A. Transportation, Inc.

(A) Transportation -- in taxicab service -- of

Passengers

Between points located within a twenty (20) mile radius of Hideaway Park, Colorado, on the one hand, and points located within the State of Colorado, on the other hand.

(B) Transportation -- on call and demand -- in limousine and sightseeing service -- of

Passengers and their baggage

- (1) Between points within a twenty (20) mile radius of the intersection of U. S. Highways No. 34 and 40 at Granby, Colorado; and
- (2) Between points in said radius, on the one hand, and points in the State of Colorado, on the other hand.

RESTRICTION: Item (B) of this temporary authority is restricted to the use of vehicles having a rated seating capacity not to exceed fourteen (14) including the driver.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS-WESTERN EXPRESS, LTD., 48)
EAST 56TH AVENUE, DENVER, COLORADO,)
FOR TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER A PORTION OF CER-)
TIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 2693 AND)
2693-I, PENDING DETERMINATION OF)
THE APPLICATION TO ACQUIRE A POR-)
TION OF SAID CERTIFICATE.)

APPLICATION NO. 28754-Transfer
Portion-TA

ORDER GRANTING TEMPORARY APPROVAL

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

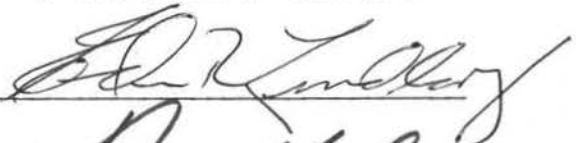
IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Transferee be granted temporary approval for a period of 165 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 as set forth in the appendix attached hereto.

IT IS FURTHER ORDERED, That the Transferee 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87838
December 2, 1975

Trans-Western Express, Ltd.

Transportation -- on schedule -- of

(1) General commodities

Between Denver and a five (5) mile radius thereof, and Roggen, Colorado, over the following described routes:

- (a) From Denver over U. S. Highway No. 85 to Fort Lupton; thence over Colorado Highway No. 52 to its junction with U. S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen, or over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north over unnumbered road to Roggen;
- (b) Over Interstate Highway No. 70 (I-70), or U. S. Highway No. 36, and over Colorado Highway No. 36 to its junction with Colorado Highway No. 79; thence over Colorado Highway No. 79 to its junction with Colorado Highway No. 52; thence over Colorado Highway No. 52 to its junction with unnumbered road directly south of Roggen; thence north on unnumbered road to Roggen;
- (c) Over U. S. Highway No. 6 and Interstate Highway No. 80-S (I-80-S) to Roggen;

Serving all intermediate points and those off-route points located in the following described area:

Commencing at the junction of the City and County of Denver north boundary (52nd Avenue) and Interstate Highway No. 25 (I-25); thence north on Interstate Highway No. 25 (I-25) to its intersection with 56th Avenue; thence east on 56th Avenue to its intersection with York Street; thence north on York Street, extended, to its intersection with Colorado Highway No. 52; thence east on Colorado Highway No. 52 to its intersection with U. S. Highway No. 85; thence north on U. S. Highway No. 85 to its junction with unnumbered highway approximately five (5) miles north of Fort Lupton; thence east on said unnumbered highway to its junction (if extended) with U. S. Highway No. 6; thence east on U. S. Highway No. 6 to Roggen; thence south on unnumbered highway to Colorado Highway No. 52; thence on Colorado Highway No. 52 to its junction with Colorado Highway No. 79; thence south on Colorado Highway No. 79 (if extended) to Interstate Highway No. 70 (I-70); thence west on Interstate Highway No. 70 (I-70) to its junction with the City and County of Denver boundary; thence along the north boundary of the City and County of Denver, Colorado, to the point of beginning.

Trans-Western Express, Ltd.

(Continued from page 2)

RESTRICTION: Item No. (1) is restricted against serving the following points:

- (a) Thornton, Colorado, and Northglenn, Colorado.
 - (b) Points located on Interstate Highway No. 70 (I-70) or points within five (5) miles of Interstate Highway No. 70 (I-70) which lie beyond a five (5) mile radius of the City and County of Denver, Colorado.
- (2) Service is authorized to be combined between all points described in Item No. (1) above so as to permit the rendition of transportation service to and from any and all points authorized to be served in said Item.

(Decision No. 87839)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRANS-WESTERN EXPRESS, LTD., 48)
EAST 56TH AVENUE, DENVER, COLORADO,)
FOR TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 692 AND 692-I, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 28753-Transfer-TA
ORDER GRANTING TEMPORARY APPROVAL

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, 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 165 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




EDYTHE S. MILLER - ABSENT

Commissioners
md

(Decision No. 87840)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FOURET BROS. GARAGE & TAXI SERVICE,
INC., 137 WEST FIRST STREET, TRINI-
DAD, COLORADO, FOR TEMPORARY AUTH-
ORITY TO EXTEND OPERATIONS UNDER
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY PUC NO. 29.

APPLICATION NO. 28750-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, being
under consideration, and

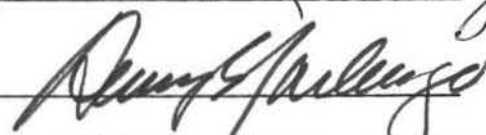
IT APPEARING, That there is an immediate and urgent need for the motor
carrier service described in the Appendix attached hereto, and that there is no
carrier service available capable of meeting such need.

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 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

Appendix
Decision No. 87840
December 2, 1975

Fouret Bros. Garage & Taxi Service, Inc.

Transportation -- on schedule -- of

Passengers and their baggage and express

Between Trinidad, Colorado and Monument Lake, Colorado over Colorado Highway 12, serving all intermediate points and all coal mines with access from said highway as off-route points.

(Decision No. 87841)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ALFRED M. FREYTA AND HARLEY E.)
ZORENS, 137 WEST FIRST STREET,)
TRINIDAD, COLORADO, FOR TEMPORARY)
APPROVAL TO ACQUIRE OPERATIONAL)
CONTROL OF FOURET BROS. GARAGE &)
TAXI SERVICE, INC., RECORD OWNER)
OF CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 29, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE CAPITAL STOCK OF SAID)
CARRIER.)

APPLICATION NO. 28749-Stock Transfer-T/
ORDER GRANTING TEMPORARY APPROVAL

December 2, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

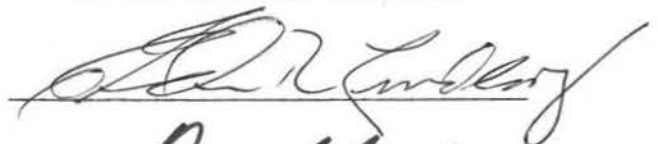

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

IT IS ORDERED, That Alfred M. Freyta and Harley E. Zorens, 137 West First Street, Trinidad, Colorado, herein 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 Alfred M. Freyta and Harley E. Zorens, 137 West First Street, Trinidad, Colorado, 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

(Decision No. 87842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
TRIANGLE FREIGHT COMPANY, 826 MAIN)
STREET, SPRINGFIELD, COLORADO, FOR)
TEMPORARY APPROVAL TO CONDUCT)
OPERATIONS UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 757 AND 757-I, PENDING)
DETERMINATION OF THE APPLICATION)
TO ACQUIRE SAID CERTIFICATE.)

APPLICATION NO. 28746-Transfer-TA

ORDER GRANTING TEMPORARY APPROVAL

- - - - -
December 2, 1975
- - - - -

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

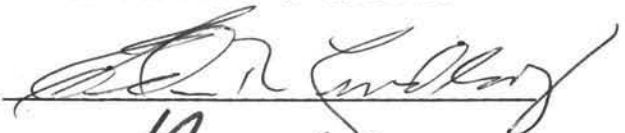

IT APPEARING, That failure to grant temporary approval herein may result in destruction of, or injury to the carrier or carrier properties sought to be acquired, or interfere substantially with their future usefulness in the performance of adequate and continuous service to the public.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



EDYTHE S. MILLER - ABSENT

Commissioners
md

(Decision No. 87843)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
METROPOLITAN TRASH, INC., 7661) PUC NO. 2127
WEST 52ND AVENUE, ARVADA,)
COLORADO.)

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On May 7, 1974, the Commission entered Decision No. 84991 approving the encumbrance of Certificate of Public Convenience and Necessity PUC No. 2127 by Metropolitan Trash, Inc. to the Arvada State Bank, Arvada, Colorado, to secure payment of the indebtedness in the amount of Eighty Thousand Dollars (\$80,000.00).

The Commission is now in receipt of a request from Metropolitan Trash, Inc. (debtor), 7661 West 52nd Avenue, Arvada, Colorado, owner and operator of Certificate of Public Convenience and Necessity PUC No. 2127 hereby seeking approval of an encumbrance in the nature of a second lien to the Littleton First Industrial Bank, 1109 West Littleton Boulevard, Littleton, Colorado to secure payment of indebtedness in the principal sum of Forty-Five Thousand One Hundred Thirty-Three Dollars (\$45,133.00) in accordance with the terms and conditions of the Security Agreement and Financing Statement properly filed with the Commission, as executed by and between said parties.

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

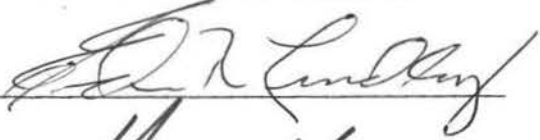
O R D E R

THE COMMISSION ORDERS:

That Metropolitan Trash, Inc., 7661 West 52nd Avenue, Arvada, Colorado, be and hereby is, authorized to encumber all right, title and interest in and to Certificate of Public Convenience and Necessity PUC No. 2127 in the nature of a second lien, to the Littleton First Industrial Bank, 1109 West Littleton Boulevard, Littleton, Colorado to secure payment of the indebtedness in the amount of Forty-Five Thousand One Hundred Thirty-Three Dollars (\$45,133.00) in accordance with the terms and conditions set forth in the statement preceding.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





EDYTHER S. MILLER - ABSENT

Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
DALBY TRANSFER AND STORAGE, INC.,
P.O. BOX 7187, COLORADO SPRINGS,
COLORADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AUTHORIZING
EXTENSION OF OPERATIONS UNDER PUC NO.
343 AND PUC NO. 343-I.

APPLICATION NO.
28361-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
COWEN TRANSFER & STORAGE COMPANY,
3110 NORTH STONE AVENUE, COLORADO
SPRINGS, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING EXTENSION OF OPERATIONS
UNDER PUC NO. 417.

APPLICATION NO.
28375-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
WEICKER TRANSFER & STORAGE COMPANY,
DOING BUSINESS AS "REYHER TRUCKING
COMPANY," 2900 BRIGHTON BOULEVARD,
DENVER, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING EXTENSION OF OPERATIONS
UNDER PUC NO. 480 AND PUC NO. 480-I.

APPLICATION NO.
28401-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
BEKINS VAN AND STORAGE COMPANY, A
COLORADO CORPORATION, 1995 SOUTH
VALLEY HIGHWAY, DENVER, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVEN-
IENCE AND NECESSITY AUTHORIZING
EXTENSION OF OPERATIONS UNDER PUC
NO. 338 AND PUC NO. 338-I.

APPLICATION NO.
28402-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
DUFFY STORAGE AND MOVING COMPANY, A
COLORADO CORPORATION, 389 SOUTH LIPAN
STREET, DENVER, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 333 AND
PUC NO. 333-I.

APPLICATION NO.
28403-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
WEICKER TRANSFER & STORAGE COMPANY,
P.O. BOX 5207 TERMINAL ANNEX, 2900
BRIGHTON BOULEVARD, DENVER, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION OF
OPERATIONS UNDER PUC NO. 341 AND PUC
NO. 341-I.

APPLICATION NO.
28404-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
G. I. EXPRESS COMPANY, 1140 WEST 5TH
AVENUE, DENVER, COLORADO, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY AUTHORIZING EXTENSION OF
OPERATIONS UNDER PUC NO. 507 AND
PUC NO. 507-I.

APPLICATION NO.
28405-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
AMICK TRANSFER AND STORAGE COMPANY,
1029 SANTA FE DRIVE, DENVER, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION OF
OPERATIONS UNDER PUC NO. 332.

APPLICATION NO.
28406-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
BLAKE TRANSFER AND STORAGE COMPANY,
DOING BUSINESS AS "UNITED STATES
TRANSFER AND STORAGE COMPANY," 4200
GARFIELD STREET, DENVER, COLORADO,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 433 AND
PUC NO. 433-I.

APPLICATION NO.
28407-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
BUEHLER TRANSFER COMPANY, A COLORADO
CORPORATION, 3899 JACKSON STREET,
DENVER, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING EXTENSION OF OPERATIONS
UNDER PUC NO. 340 AND PUC NO. 340-I.

APPLICATION NO.
28408-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
THE WEICKER TRANSFER & STORAGE COMPANY,
2900 BRIGHTON BOULEVARD, DENVER,
COLORADO, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY AUTHORIZING
EXTENSION OF PUC NO. 4445 AND PUC NO.
4445-I.

APPLICATION NO.
28409-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
ACME DELIVERY SERVICE, INC., 4250
ONEIDA STREET, DENVER, COLORADO, FOR
A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 257.

APPLICATION NO.
28425-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
ACME DELIVERY SERVICE, INC., 4250
ONEIDA STREET, DENVER, COLORADO, FOR
A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 509.

APPLICATION NO.
28426-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
JOHNSON STORAGE & MOVING CO., A
COLORADO CORPORATION, 221 BROADWAY,
DENVER, COLORADO, FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
AUTHORIZING EXTENSION OF OPERATIONS
UNDER PUC NO. 335 AND PUC NO. 335-I.

APPLICATION NO.
28427-Extension-Amended

IN THE MATTER OF THE APPLICATION OF
WANDELL & LOWE TRANSFER & STORAGE CO.,
A COLORADO CORPORATION, 4225 SINTON
ROAD, COLORADO SPRINGS, COLORADO, FOR
A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY AUTHORIZING EXTENSION
OF OPERATIONS UNDER PUC NO. 342 AND
PUC NO. 342-I.

APPLICATION NO.
28428-Extension-Amended

IN THE MATTER OF THE APPLICATION OF)
BUEHLER TRANSFER CO., A COLORADO)
CORPORATION, 3899 JACKSON STREET,)
DENVER, COLORADO, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
AUTHORIZING EXTENSION OF OPERATIONS)
UNDER PUC NO. 352 AND PUC NO. 352-I.)

APPLICATION NO.
28429-Extension

IN THE MATTER OF THE APPLICATION OF)
RICHARD MOSENG AND DARLENE MOSENG,)
DOING BUSINESS AS "LAFFERTY MOVING &)
STORAGE," GREELEY, COLORADO, FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 560 AND)
PUC NO. 560-I.)

APPLICATION NO.
28464-Extension-Amended

IN THE MATTER OF THE APPLICATION OF)
MERRITT PACKING & CRATING SERVICE, INC.,)
4700 IVY STREET, DENVER, COLORADO, FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION)
OF OPERATIONS UNDER PUC NO. 440 AND)
PUC NO. 440-I.)

APPLICATION NO.
28469-Extension-Amended

IN THE MATTER OF THE APPLICATION OF)
HOFFMAN TRANSFER COMPANY, A COLORADO)
CORPORATION, 4700 HOLLY STREET, DENVER,)
COLORADO, FOR A CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY AUTHORIZING)
EXTENSION OF OPERATIONS UNDER PUC NO.)
453 AND PUC NO. 453-I.)

APPLICATION NO.
28496-Extension-Amended

IN THE MATTER OF THE APPLICATION OF)
CAPITOL HILL TRANSFER & STORAGE CO.,)
4201 MADISON STREET, DENVER, COLORADO,)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY AUTHORIZING EXTENSION OF)
OPERATIONS UNDER PUC NO. 539.)

APPLICATION NO.
28522-Extension

PRE-HEARING ORDER OF
THOMAS M. McCAFFREY, EXAMINER

- - - - -
November 26, 1975
- - - - -

Appearances: John P. Thompson, Esq.,
Denver, Colorado, for
Dalby Transfer & Storage, Inc.;
Cowen Transfer & Storage Company;
Richard and Darlene Moseng, doing
business as "Lafferty Moving &
Storage," Applicants;
Joseph F. Nigro, Esq.,
Denver, Colorado, for
Weicker Transfer & Storage
Company, doing business as
"Reyher Trucking Company";
Bekins Van and Storage Company;
Duffy Storage and Moving Company;
Weicker Transfer & Storage Company;
G. I. Express Company;
Amick Transfer and Storage Company;

Blake Transfer and Storage Company, doing business as "United States Transfer and Storage Company"; Buehler Transfer Company; The Weicker Transfer & Storage Company; Acme Delivery Service, Inc.; Johnson Storage & Moving Co.; Wandell & Lowe Transfer & Storage Co.; and Capitol Hill Transfer & Storage Co., Applicants;

John H. Lewis, Esq., Denver, Colorado, for Hoffman Transfer Company and Merritt Packing & Crating Service, Inc., Applicants;

and for Harp Transportation Line; Ephraim Freightways, Inc.; Thacker Bros. Transportation; John Bunning Transfer Co., Inc.; Dick Jones Trucking; B&M Service, Inc.; Miller Bros., Inc.; Pollard Contracting Co., Inc.; Northwest Colorado Pipe & Storage; and Chet's Tow Service, Inc., Protestants;

James M. Lyons, Esq., Denver, Colorado, for Wells Fargo Armored Service Corporation (Wells Fargo), Protestant;

Kenneth R. Hoffman, Esq., Denver, Colorado, for Beasley's Hot Shot Service, Inc.; Bethke Truck Lines; Bulk Transporters, Inc.; Colorado Cartage Co., Inc.; C. B. Johnson, Inc.; G&L Tractor Service, Inc.; Groendyke Transport, Inc.; J&M Trucking, Inc.; North Eastern Motor Freight, Inc.; Northwest Transport Service, Inc.; Westway Motor Freight, Inc.; North Park Transportation Co.; Petco, Inc., Interstate; Purolator Courier Corp., doing business as "Colorado Armored Service Company"; Purolator Security, Inc.; Red Ball Motor Freight, Inc.; Rocky Mountain Trucking Co., Inc.; Rio Grande Motor Way, Inc.; Ruan Transport Corporation; Trans-Western Express, Ltd.; B. F. Walker, Inc.; Ward Transport, Inc.; Western Oil Transportation Co., Inc.; Whitt Transfer & Storage Co.; Overland Motor Express, Inc., doing business as "Boulder-Denver Truck Line"; Edson Express, Inc.; Morgan Drive Away, Inc.; Bowers Transfer & Storage Co.; and R. C. Williams, Inc., Protestants.

Pursuant to notice, the above-titled applications were called for pre-hearing conference on October 21, 1975, at 10 a.m. in the hearing room of the Commission, fifth floor, Columbine Building, 1845 Sherman Street, Denver, Colorado, to clarify issues involved in the captioned applications, establish procedures for the orderly disposition of these many similar but

not identical applications, set hearing dates, and consider such other matters as might be appropriate.

The motions filed on October 3, 1975, by Applicants Cowen, Dalby, and Lafferty to sever the captioned applications of Hoffman Transfer Company and Merritt Packing & Crating Service, Inc., and hear them at separate hearings were considered. There being no objection by those Applicants, an order will be entered for the separate hearing of those applications.

1. Hearing procedure. Consideration was then given to the procedure and dates for taking evidence as to the remaining applications. Following that discussion, it was agreed that hearing the case in logical stages or phases would be satisfactory to all. The phases agreed upon are:

Phase 1. Operating Testimony. Hearings as to this phase will be limited to the presentation of the "operating testimony" of all Applicants, that is, the testimony of their company personnel relative to their fitness, willingness, and ability to perform the service proposed, and their operating proposals. No evidence of public need for the service is to be considered in Phase 1. Cross-examination and redirect examination of each witness is to proceed immediately following the direct examination of the witness.

Phase 2. Household goods. Hearings in this phase will be limited to presentation of Applicants' evidence as to public convenience and necessity for the proposed statewide household goods operations of the respective Applicants. This evidence may consist of testimony of public witnesses, traffic exhibits with supporting testimony of Applicants' company witnesses as to the accuracy thereof, and any other evidence of public convenience and necessity which is competent and relevant to that issue. Cross-examination, redirect, and recross examination of each witness is to proceed immediately following the direct examination of the witness. The evidence in this phase may also be considered in connection with the "in and out" authority sought by the Applicant.

Phase 3. "Special commodities." Hearings in this phase will be limited to presentation of Applicants' evidence as to public convenience and necessity for the proposed statewide transportation of commodities requiring the use of special equipment in the loading, transportation, or unloading thereof, regardless of the variations in language used to describe these so-called "special commodities" applications; provided, however, that evidence concerning household goods transportation shall not be considered in this phase. As described in the household goods phase, above, any competent and relevant evidence bearing upon the issue of public convenience and necessity for the proposed "special commodities" transportation is to be presented in this phase of the hearings. Cross-examination, redirect, and recross examination of witnesses is to proceed immediately following the direct examination of the witness. The evidence in this phase may also be considered in connection with the "in and out" authority requested by the Applicant.

Phase 4. "In and out" authority, 20 percent penalty, office location restrictions. Hearings in this phase will be limited to presentation of Applicants' evidence as to public convenience and necessity for the substitution of authority to transport goods into and out of the Applicant's "base territory" in lieu of the Applicant's present state-wide but "occasional" authority, and concerning the proposed changes in the rate penalty provisions, and office location restrictions of each Applicant. As is the case of Phases 2 and 3, any competent and relevant evidence bearing upon the issue of public convenience and necessity for the proposed "in and out" authority, rate penalty provision, and office location restriction is to be presented in this phase of the hearings. Cross-examination, redirect, and recross examination of witnesses is to proceed immediately following the direct examination of each witness. No evidence additional to that offered in Phases 2 and 3 relative to household goods or "special commodities" is to be offered in this phase; but such Phase 2 and Phase 3 evidence will be considered in the final disposition of this portion of the application, to the extent relevant thereto.

Phase 5. Protestants' evidence and rebuttal. Presentation of Protestants' evidence relating to all of the authority sought by all Applicants, and any rebuttal the Applicants desire to present, shall be presented in this phase of the hearings. Any competent and relevant protesting and rebuttal evidence bearing upon the issues described in Phases 1, 2, 3, and 4 shall be presented in this phase of the hearings. Cross-examination, redirect, and recross examination of witnesses is to proceed immediately following the direct examination of each witness, all to the end that the hearing of evidence shall be concluded at the end of this phase of the hearings.

Intrastate, interstate. Evidence concerning directly related Interstate Commerce Commission authority, where sought by the Applicant, shall be presented in the same phase of the hearing as evidence relating to intrastate authority being sought.

2. Hearing dates and places. All hearings shall be held at the hearing room of the Commission on the fifth floor of the Columbine Building, 1845 Sherman Street, Denver, Colorado. Hearing dates are to be scheduled as follows:

Phase 1. Commencing at 10 a.m. on Monday, January 12, 1976. January 13, 14, 15, and 16 are reserved if needed to conclude hearings on this phase; the commencing hour after January 12 shall be established daily by the Hearing Examiner at the close of hearings. No notice of the hours or dates of hearing, other than this Pre-Hearing Order, shall be required.

Phase 2. Commencing at 10 a.m. on Tuesday, January 27, 1976. January 28 and 29 are reserved if needed to conclude hearings on this phase. The commencing hour after the first day shall be established as in Phase 1.

Phase 3. Commencing at 10 a.m. on Monday, February 9, 1976. February 10, 11, and 13 are reserved if needed to conclude hearings on this phase. The commencing hour after February 9 shall be established as in Phase 1.

Phase 4. Commencing at 10 a.m. on Monday, March 8, 1976. March 9, 10, 11, and 12 are reserved if needed to conclude hearings on this phase. The commencing hour after March 8 shall be established as in Phase 1.

Phase 5. Commencing at 10 a.m. on Monday, April 5, 1976. April 6, 7, 8, 9, 12, 13, 14, 15, and 16 are reserved if needed to conclude hearings on this phase. The commencing hour after April 5 shall be established as in Phase 1.

Additional or other dates and times. Additional or other dates and times, if required, shall be as announced by the Hearing Examiner during open hearing from time to time.

3. Discovery. Each Applicant shall supply to all Protestants' counsel involved in the particular phase of hearings copies of all exhibits, including traffic exhibits, Applicant intends to offer at that phase of the hearings, at least ten days prior to the commencement of the particular phase during which such exhibits are to be offered; the documents underlying traffic exhibits shall be made available at Denver, Colorado, for Protestants' inspection and (at Protestants' option and expense) copying at the same time as the exhibits themselves are supplied to Protestants. Underlying documents need not be produced at the hearing. Each Applicant shall further supply to all Protestants' counsel involved in a particular phase of hearings a brief summary of all of the expected testimony of each public witness whom the Applicant expects to produce during that phase of hearings, at least ten days prior to the commencement of that particular phase; such summary to include among other things the name and business address of the witness, the name of his company and his position with the company. Protestants shall supply to all Applicants' counsel copies of all exhibits including traffic exhibits, Protestants intend to offer at the hearing, and the documents underlying traffic exhibits shall be made available at Denver, Colorado, for Applicants' inspection and (at Applicants' option and expense) copying at least ten days before such exhibits are offered. Underlying documents need not be produced at the hearing, unless opposing counsel specifically requests that such documents be available in the hearing room. Each Protestant shall further supply to all Applicants' counsel a brief summary of the expected testimony of each public witness whom the Protestant expects to produce, at least ten days before that public witness testifies; such summary to include among other things the name and business address of the witness, the name of his company and his position with the company. Interrogatories of any Applicant or Protestant seeking discovery of any other information shall be served no later than December 15, 1975; where in conflict with or duplicating provisions of this paragraph, this paragraph shall be controlling.

4. Briefs, Statements of Position. It is not presently planned that any legal briefs or statements of position are to be filed. With a view to the length of time these matters have been and will be on the Commission's docket, it is directed that if any party desires to file a brief or statement of position, that party shall make that desire known (and order a transcript of the pertinent testimony unless the brief or statement of position is confined solely to issues of law) in writing setting forth in detail the subjects which the party would propose to discuss and the reasons why it is necessary that such discussion be in written form, no later than March 22, 1976.

5. Relief from this Order. Relief from any provision of this Order shall be considered only upon request in writing setting forth the relief sought, the circumstances warranting such relief, and the reason why such relief could not have been requested earlier in the proceeding.

IT IS THEREFORE ORDERED THAT:


1. The application of Merritt Packing & Crating Service, Inc., being Application No. 28469-Extension, be, and hereby is, severed from the remaining matters in this proceeding. The said application is set for hearing on Wednesday, December 3, 1975, at 10 a.m. in the hearing room of the Commission, fifth floor, Columbine Building, 1845 Sherman Street, Denver, Colorado.

2. The application of Hoffman Transfer Company, being Application No. 28496-Extension, be, and hereby is, severed from the remaining matters in this proceeding. The said application is set for hearing on Wednesday, January 21, 1976, at 10 a.m. in the hearing room of the Commission, fifth floor, Columbine Building, 1845 Sherman Street, Denver, Colorado.

3. The procedure, dates, and other matters set forth above shall govern the hearing and disposition of all of the captioned applications except the matters described in paragraphs 1 and 2 of this Order.

4. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
rw/jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: INCREASE IN RATES AND CHARGES	)	INVESTIGATION AND SUSPENSION
AS PUBLISHED BY RUAN TRANSPORT	)	DOCKET NO. 1009
CORPORATION, RESPONDENT HEREIN,)	
SCHEDULED TO BECOME EFFECTIVE ON	)	ORDER SETTING HEARING AND
DECEMBER 1, 1975.	)	SUSPENDING INCREASED RATES
	)	AND CHARGES

November 26, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1975, Ruan Transport Corporation, Respondent herein, filed Revised Pages (6th Revised Page No. 1, 2nd Revised Page No. 7, 2nd Revised Page No. 8, 2nd Revised Page No. 9, 1st Revised Page No. 10, 3rd Revised Page No. 11, 1st Revised Page No. 12, 3rd Revised Page No. 14, 1st Revised Page No. 16, 3rd Revised Page No. 18, 1st Revised Page No. 20 and 4th Revised Page No. 23) to its Tariff Colorado PUC No. 6, scheduled to become effective on December 1, 1975. Said tariff, if allowed to become effective, would have the effect of increasing rates and charges in Tariff Colorado PUC No. 6.

Review of the data submitted by Respondent herein in support of said increase indicates that Respondent has not submitted sufficient data to enable the Commission to determine whether the increase is justified.

The Commission, on its own motion, states and finds that the within tariff should be set for hearing and suspended.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

1. That it shall enter into a hearing concerning the lawfulness of said tariff filing by Ruan Transport Corporation.

2. That this Investigation and Suspension Docket No. 1009, be, and the same is hereby, set for hearing before the Commission on:

Date: February 11, 1976
Time: 10:00 AM
Place: Hearing Room
1845 Sherman Street
500 Columbine Building
Denver, Colorado 80203

3. That 6th Revised Page No. 1, 2nd Revised Page No. 7, 2nd Revised Page No. 8, 2nd Revised Page No. 9, 1st Revised Page No. 10, 3rd Revised Page No. 11, 1st Revised Page No. 12, 3rd Revised Page No. 14, 1st Revised Page No. 16, 3rd Revised Page No. 18, 1st Revised Page No. 20 and 4th Revised Page No. 23 published by Ruan Transport Corporation to its Tariff Colorado PUC No. 6, be, and they hereby are, suspended for a period of 210 days or until June 28, 1976, unless otherwise ordered by the Commission.

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

5. That neither the tariff filings hereby suspended nor those sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension or any extension thereof has expired, unless otherwise ordered by the Commission.

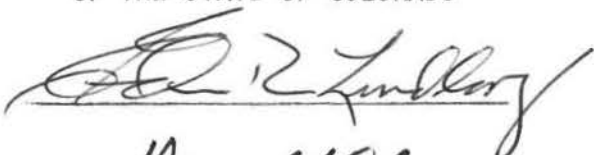
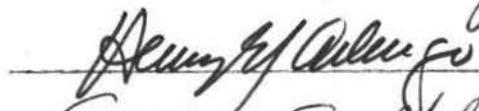

6. That a copy of this Order shall be filed with the tariff in the office of the Commission and that a copy hereof be served upon Kenneth L. Kessler, General Traffic Manager, Ruan Transport Corporation, 666 Grand Avenue, Des Moines, Iowa 50309, and that the necessary suspension supplement be posted and filed to the tariff.

7. That at least 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 it intends to introduce in evidence in support of its case together with a list of its witnesses and a detailed summary of their direct testimony.

8. That this Order shall be effective forthwith.

DONE IN OPEN MEETING this 26th day of November, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: THE ISSUANCE OF TEMPORARY CER-)
TIFICATES OF PUBLIC CONVENIENCE AND)
NECESSITY UNDER TITLE 40-10-104)
(2), CRS 1973, FOR THE TEMPORARY OR)
SEASONAL MOVEMENT OF CORN, MILLET,)
SORGHUMS, SMALL GRAINS, ENSILAGE,)
AND HAY.)

APPLICATION NO. 28812

EMERGENCY DISTRICT 11-75

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Report has been received by the Commission from Lloyd C. Espinosa, Chief of Transportation, Transportation Section of this Commission, indicating that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage, and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado.

Request, pursuant to the above, has been made for an order of the Commission to issue temporary certificates so as to authorize the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and hay in the counties as set forth above.

The Commission states and so finds that an emergency exists because of the shortage of motor vehicles for the transportation of corn, millet, sorghums, small grains, ensilage, and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers, Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado, and that present or future public convenience and necessity requires the issuance of temporary certificates for the temporary or seasonal operation of motor vehicles for the purpose of transporting said commodities, as provided in Title 40, Article 10, Section 104 (2), CRS 1973, and as set forth in the Order following.

O R D E R

THE COMMISSION ORDERS:

That temporary certificates be, and hereby are, authorized for the temporary or seasonal operation of motor vehicles for the purpose of transporting corn, millet, sorghums, small grains, ensilage, and hay in the counties of Adams, Alamosa, Baca, Bent, Boulder, Chaffee, Cheyenne, Costilla, Crowley, Delta, Douglas, El Paso, Kiowa, Kit Carson, Larimer, Las Animas, Logan, Mesa, Montrose, Morgan, Otero, Ouray, Phillips, Prowers,

Pueblo, Rio Grande, Saguache, Washington, Weld, and Yuma, Colorado; provided, however, that said certificates shall be effective only for a period of NINETY (90) DAYS commencing December 9, 1975.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
cp

COMMISSIONER EDYTHE S. MILLER - ABSENT

(Decision No. 87847)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
RESPONDENT, ENGLEWOOD TRANSIT	)	CASE NO. 5633
COMPANY, A COLORADO CORPORATION,)	
UNDER CERTIFICATES OF PUBLIC	)	COMMISSION ORDER DENYING MOTION
CONVENIENCE AND NECESSITY PUC	)	TO VACATE HEARING DATE
NO. 222 AND PUC NO. 222-I.)	

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Case No. 5633, which is a show-cause proceeding directed to the motor vehicle operations of Englewood Transit Company, Respondent, was instituted on October 14, 1975, and the same was set for hearing on December 30, 1975.

On November 26, 1975, Englewood Transit filed a "Motion to Vacate Hearing Date". The basic ground alleged in said Motion is that in the event Rio Grande Motor Way is successful in the Denver District Court in its civil action pertaining to review of Case No. 5588 (which was an earlier show-cause case against Englewood Transit Company which was dismissed by the Commission on procedural grounds) the hearing of the instant Case No. 5633 would be rendered moot.

The course of judicial proceedings with respect to Case No. 5588 is not expected to be short, and it is important for the Commission to proceed as expeditiously as possible with respect to Case No. 5633 inasmuch as the alleged transactions giving rise to the show cause transpired over one year ago.

The Commission states and finds that the aforesaid Motion does not set forth sufficient grounds for the granting thereof and that the same should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Motion to Vacate Hearing Date filed on November 26, 1975,

by Respondent, Englewood Transit Company, be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT

jp

(Decision No. 87848)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)	
COLORADO-DENVER WAREHOUSE AND DELIVERY)	APPLICATION NO. 28538
INC., 4902 SMITH ROAD, DENVER, COLO-)	
RADO, FOR A CERTIFICATE OF PUBLIC CON-)	ORDER GRANTING WITHDRAWAL
VENIENCE AND NECESSITY TO OPERATE AS)	OF APPLICATION
A COMMON CARRIER BY MOTOR VEHICLE FOR)	
HIRE.)	

December 2, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 28, 1975, Applicant Colorado-Denver Warehouse and Delivery, Inc. filed with the Commission a letter requesting that the Commission grant withdrawal of the above-captioned application.

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:

Colorado-Denver Warehouse and Delivery, Inc. is granted permission to withdraw the above-captioned application, and the application be, and hereby is, dismissed.

The hearing set for December 11, 1975, be, and hereby is, vacated.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DONALD GEORGE KNAUS, DOING BUSINESS)
AS "KNAUS RUBBISH REMOVAL SERVICE,")
1926 MARKET STREET, P. O. BOX 26173,)
DENVER, COLORADO, FOR AUTHORITY TO)
EXTEND OPERATIONS UNDER CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 3188.)

APPLICATION NO. 28674-Extension
ORDER OF THE COMMISSION

- - - - -
December 9, 1975
- - - - -

Appearances: Arthur L. Frazer, Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted, and

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 3188 to include the following:

"Transportation of

Ash, trash and other refuse

From 5977 Broadway and 300 West 53rd Place, located within the County of Adams, State of Colorado, to such locations where the same may be lawfully delivered or disposed of."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 3188 as extended, shall read and be as set forth in the Appendix attached hereto.


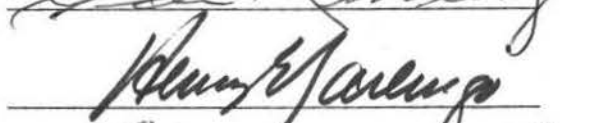
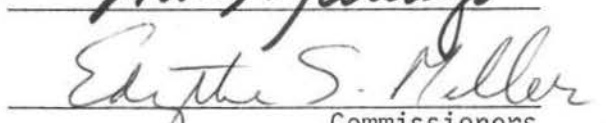
IT IS FURTHER ORDERED, That Applicant shall file tariffs of rates, rules and regulations as required by law and the rules and regulations of this Commission.

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.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87849
December 9, 1975

Knaus Rubbish Removal Service

- (1) Transportation -- in pick-up and delivery service -- of

Ashes, cans, and trash

Within and between points in the City and County of Denver, Colorado, and from points in the City and County of Denver, Colorado, to such locations where the same may be lawfully delivered or disposed of.

- (2) Transportation of

Ash, trash and other refuse

From 5977 Broadway and 300 West 53rd Place, located within the County of Adams, State of Colorado, to such locations where the same may be lawfully delivered or disposed of.

(Decision No. 87850)

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.)

- - - - -
December 9, 1975
- - - - -

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

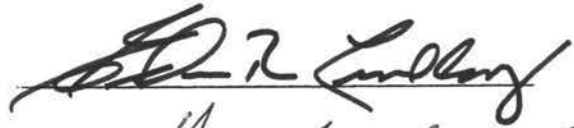
THE COMMISSION ORDERS

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 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners
md

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Abajo Petroleum, Inc. Box 945 Blanding, Utah 84511	Designation of Agent
Alpha Chemical Corp. Drawer A Collierville, Tennessee 38017	Public Liability and Property Damage Insurance, Designation of Agent
Terry M. Robertson dba American Ideal Homes 1695 West Victory Way Craig, Colorado 81625	Public Liability and Property Damage Insurance
American Mill, Inc. 645 Manhattan Cir. Suite 208 Boulder, Colorado 80303	Public Liability and Property Damage Insurance
Bibler Bros., Inc. Highway 7 South Russellville, Arkansas 72801	Designation of Agent
James R. Miskol dba Bonanza Firewood 7033 Marshall Arvada, Colorado 80003	Public Liability and Property Damage Insurance
Brown Brothers Furniture Discount Whs. 490 West Main Street Vernal, Utah 84078	Public Liability and Property Damage Insurance, Designation of Agent
Nancy A. Stimson dba Bud & Nancy's & Sons Firewood Box 86 Fairplay, Colorado 80440	Public Liability and Property Damage Insurance
Burlington Town and Country, Int. 1371 Rose Avenue Burlington, Colorado 80807	Public Liability and Property Damage Insurance
Cattle, Inc. Box 1159 Powell, Wyoming 82435	Public Liability and Property Damage Insurance
Cline Industries, Inc. Box 38 Rush Springs, Oklahoma 73082	Public Liability and Property Damage Insurance, Designation of Agent
Steving Meat Co. dba Country Boy Pack 726 Main Avenue Pierce, Colorado 80650	Public Liability and Property Damage Insurance
Dave Countryman P. O. Box 673 Nucla, Colorado 81428	Public Liability and Property Damage Insurance
D & R Produce 2116 - 6th Avenue Greeley, Colorado 80631	Public Liability and Property Damage Insurance

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Daniel E. Grimes dba Dan's Firewood Service 3251 Road 21 Fort Lupton, Colorado 80621	Public Liability and Property Damage Insurance
Digmor Equipment & Engineering Co., Inc. 354 Tennessee Avenue Redlands, California 92373	Public Liability and Property Damage Insurance
Stephen P. Dutterow Route 1, Box 430 Madras, Oregon 97741	Public Liability and Property Damage Insurance, Designation of Agent
Richard Forman Box 224 Madras, Oregon 97741	Designation of Agent
Harry Franklin Freeman Star Route Somerset, Colorado 81434	Public Liability and Property Damage Insurance
Jose David Gallegos 401 - 11th Street Alamosa, Colorado 81101	Public Liability and Property Damage Insurance
General Electric Co. - Plastics Business Department Lexan Lane Mt. Vernon, Indiana 47620	Public Liability and Property Damage Insurance, Designation of Agent
George T. Fields dba George's Scrap Metals Box 621 Farmington, New Mexico 87401	Public Liability and Property Damage Insurance, Designation of Agent
C. P. Hall Co. 2500 Channel Avenue Memphis, Tennessee 38113	Public Liability and Property Damage Insurance
John C. Deal dba High Country Equipment Co. Box 9943 Colorado Springs, Colorado 80907	Public Liability and Property Damage Insurance
Interstate Plastics, Inc. P. O. Box 398 Post Falls, Idaho 83854	Public Liability and Property Damage Insurance, Designation of Agent
Roy Johnson 1530 East 5 Street Loveland, Colorado 80538	Public Liability and Property Damage Insurance
W. A. Krveger Co. 7220 North 65th Avenue Glendale, Arizona 85301	Public Liability and Property Damage Insurance, Designation of Agent
L & W Service Center, Inc. dba L & W Service Center 18 West 25th Street Kearney, Nebraska 68847	Public Liability and Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Ravenna Industries, Inc. dba Lake 'N' Shore Box 127 Ravenna, Nebraska 68869	Public Liability and Property Damage Insurance
Leisure Living Mobile Homes, Inc. Route 2, Box 293 Mitchell, Nebraska 69357	Public Liability and Property Damage Insurance, Designation of Agent
Thomas Long dba Long's Custom Hay Service Route 1, Box 215 Lamar, Colorado 81025	Public Liability and Property Damage Insurance
Memorex Corporation 1200 Memorex Drive Santa Clara, California 95052	Public Liability and Property Damage Insurance
Memphis Dinettes, Inc. Box 9491 Memphis, Tennessee 38106	Designation of Agent
Metal Goods Div./Alcan Aluminum Corp. 4343 Holly Street Denver, Colorado 80216	Public Liability and Property Damage Insurance
Josue Mediaville Negron 4201 West 1st Avenue Denver, Colorado 80219	Public Liability and Property Damage Insurance
Bobby H. Nolen Box 1407 Idaho Springs, Colorado 80452	Public Liability and Property Damage Insurance
Office Suites, Inc. 359 North Wells Street Chicago, Illinois 60608	Public Liability and Property Damage Insurance, Designation of Agent
Bert L. Prichard and Angelo Mahlares dba Pine Canyon Co. P. O. Box 691 Rangely, Colorado 81648	Public Liability and Property Damage Insurance
Eltra Corporation dba Prestolite Co. 511 Hamilton Street Toledo, Ohio 43694	Public Liability and Property Damage Insurance
Marion L. Watson dba Rawhide Milling Co. Box 576 Lusk, Wyoming 82225	Public Liability and Property Damage Insurance, Designation of Agent
Raymond Lee Dodson dba Rick's Towing 3390 South Eliot Englewood, Colorado 80110	Public Liability and Property Damage Insurance
Sherrill Upholstering Co., Inc. Box 189 Hickory, North Carolina 28601	Public Liability and Property Damage Insurance, Designation of Agent

<u>NAME</u>	<u>REASON - FAILURE TO FILE</u>
Ronald E. Morris Jr. dba Snap On Tools 2126-28 Avenue Court #3 Greeley, Colorado 80631	Public Liability and Property Damage Insurance
Wilford D. Bicknell dba Taylor Rental Center 3613 West Bowles Avenue Littleton, Colorado 80123	Public Liability and Property Damage Insurance
Truck and Auto Dismantlers Box 165 Farmington, New Mexico 87401	Public Liability and Property Damage Insurance, Designation of Agent
Lynn G. Vandeberg dba Vandeberg Livestock Route 2, Box 86 Notus, Idaho 83656	Designation of Agent
Wayne Vohland Produce Co., Inc. 104 East Fifth Kansas City, Missouri 64106	Public Liability and Property Damage Insurance, Designation of Agent
Darrell A. Pritchard dba Pritchard's Hay Co. Route 1 Peyton, Colorado 80831	Public Liability and Property Damage Insurance
John LeFever Route 3, Box 354 Longmont, Colorado 80501	Public Liability and Property Damage Insurance
L & M Produce, Inc. 8098 South Lewis Avenue Tulsa, Oklahoma 74105	Public Liability and Property Damage Insurance, Designation of Agent

(Decision No. 87851)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE SOUTHEAST COLORADO
POWER ASSOCIATION, 901 WEST THIRD STREET,
LA JUNTA, COLORADO,

Complainant,

v.

UTILITIES BOARD OF THE CITY OF LAMAR AND
THE CITY OF LAMAR, A MUNICIPAL CORPORATION,
STATE OF COLORADO,

Respondents.

CASE NO. 5621

ORDER GRANTING MOTION AND
STIPULATION FOR DISMISSAL
OF COMPLAINT

December 2, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On July 25, 1975, Complainant, Southeast Colorado Power Association (hereinafter referred to as "Southeast"), filed a complaint with the Commission against Respondents, Utilities Board of the City of Lamar and the City of Lamar (hereinafter referred to as "Lamar" or as "Respondents").

On July 25, 1975, Southeast also filed with this Commission a "Motion for Restraining Order" which requested this Commission to enter a restraining order to temporarily enjoin Lamar from proceeding to construct facilities or extend service in the following area:

"The SE $\frac{1}{4}$ of the NE $\frac{1}{4}$ and that part of the E $\frac{1}{2}$ of the SE $\frac{1}{4}$ lying North of the A.T.&S.F. Railroad right-of-way in Section 35, Township 22 South, Range 47, all West of the Sixty Principal Meridian in said Prowers County, State of Colorado."

and ordering Lamar to cease and desist from entering into or performing any contract for service of electrical energy with any users in the above-described area and restraining Lamar from the construction or extension of lines, facilities, plant and system in the above-described area pending hearing on the complaint filed by Southeast.

Various motions were filed from time to time by Lamar which were overruled and denied by the Commission.

On November 26, 1975, Lamar and Southeast filed a joint Motion and Stipulation for Dismissal of Complaint herein. Basically, Lamar's option to purchase land described in the complaint of Southeast has expired and Lamar does not intend to acquire the property described in the complaint,

nor to construct the transmission and distribution lines to serve any facility on said property, whether or not said property and facility be privately or publicly owned.

The Commission now states and finds that the complaint of Southeast has become moot and that the Motion and Stipulation for Dismissal of the Complaint should be granted. Said Motion further requests entry of an order dissolving the "restraining order" heretofore issued by the Commission.

An appropriate order will be entered.

O R D E R


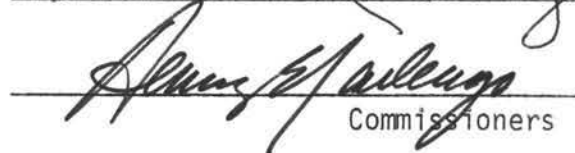
THE COMMISSION ORDERS THAT:

1. The Motion and Stipulation for Dismissal of Complaint jointly filed by the Utilities Board of the City of Lamar and the City of Lamar be, and the same hereby is, granted.
2. The Order set forth in Decision No. 87259 dated July 29, 1975, be, and the same hereby is, rescinded.
3. The hearing presently set for December 15, 1975, in Case No. 5621 be, and the same hereby is, vacated.
4. The docket in Case No. 5621 be, and the same hereby is, closed.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT.

hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

BEKINS VAN & STORAGE COMPANY,)
BONANZA MOVING & STORAGE CO.,)
INC., BOWERS TRANSFER &)
STORAGE CO., BUEHLER TRANSFER)
CO., CITY STORAGE & TRANSFER,)
INC., EDSON EXPRESS, INC.,)
G. I. EXPRESS COMPANY, DOING)
BUSINESS AS "G. I. MOVING &)
STORAGE CO.," GOLDEN TRANSFER)
CO., JOHNSON STORAGE & MOVING)
CO., OVERLAND MOTOR EXPRESS,)
INC., DOING BUSINESS AS "BOULDER-)
DENVER TRUCK LINE," AND WEICKER)
TRANSFER & STORAGE CO.,)

CASE NO. 5632

Complainants,)

vs.)

R & B MOVING & STORAGE CO.,)
DOING BUSINESS AS "BROADWAY)
MOVING & STORAGE CO.,")

Respondent.)

RE: MOTOR VEHICLE OPERATIONS OF)
RESPONDENT, R & B MOVING AND)
STORAGE COMPANY, DOING BUSINESS)
AS "BROADWAY MOVING AND STORAGE)
COMPANY," DENVER, COLORADO, UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 3584.)

CASE NO. 5637

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 30, 1975, Case No. 5632 was instituted by the filing of a formal complaint against Respondent, R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," by the above-captioned Complainants.

On October 14, 1975, by Decision No. 87617, the Commission issued an Order to Show Cause and Notice of Hearing re: Motor vehicle operations of Respondent, R & B Moving and Storage Company, doing business as "Broadway Moving and Storage Company," Denver, Colorado, under Certificate of Public Convenience and Necessity PUC No. 3584. Decision No. 87617 set Case No. 5637 for hearing before the Commission at 10 a.m. on December 23, 1975, in the hearing room of the Commission, 507 Columbine Building, 1845 Sherman Street, Denver, Colorado.

On November 28, 1975, Respondent, R & B Moving & Storage Co., doing business as "Broadway Moving & Storage Co.," filed with the Commission a Motion for Consolidation of Case No. 5632 and Case No. 5637 stating that the complaints set forth in the formal Complaint (Case No. 5632) and the Order to Show Cause (Case No. 5637) cover the same general allegations.

The Commission states and finds that good grounds exist for granting the Motion for Consolidation and concludes that the Motion should be granted.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion for Consolidation of Case No. 5632 and Case No. 5637 filed on November 28, 1975, be, and hereby is, granted.
2. Case No. 5632 and Case No. 5637 be, and hereby are, set for hearing at:

DATE: December 23, 1975


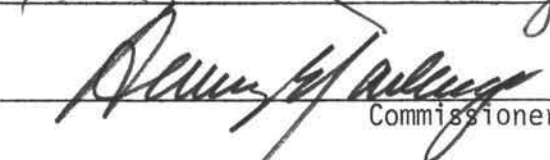
TIME: 10 a.m.

PLACE: Hearing Room of the Commission
507 Columbine Building
1845 Sherman Street
Denver, Colorado.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS)	CASE NO. 5634
OF RESPONDENT NORTH PARK)	
TRANSPORTATION CO.)	COMMISSION ORDER DENYING MOTION TO STAY PROCEEDINGS

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Case No. 5634, which is a show-cause proceeding directed to the motor vehicle operations of North Park Transportation Co. (hereinafter "North Park"), Respondent, was instituted on October 14, 1975, and the same was set for hearing on January 2, 1976.

On November 25, 1975, North Park filed a Motion to Stay Proceedings. The basic ground alleged in said Motion is that in the event Rio Grande Motor Way is successful in the Denver District Court in civil action pertaining to its review of Case No. 5565 (which was an earlier show cause case against North Park which was dismissed by the Commission on procedural grounds), the effect would be the reinstitution of such prior proceedings and North Park would therefore be a Respondent in two separate show-cause proceedings, both of which involve identical charges.

The course of judicial proceedings with respect to Case No. 5565 is not expected to be short, and it is important for the Commission to proceed as expeditiously as possible with respect to Case No. 5634 inasmuch as the alleged transactions giving rise to the show cause transpired over two years ago.

The Commission states and finds that the aforesaid Motion does not set forth sufficient grounds for the granting thereof and that the same should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Motion to Stay Proceedings filed on November 25, 1975, by Respondent, North Park Transportation Co., be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT.
vjr

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
SCA SERVICES OF COLORADO, INC.,)	CASE NO. 5641
5820 WEST 56TH AVENUE, ARVADA,)	
COLORADO, UNDER CERTIFICATE OF)	COMMISSION ORDER DENYING PETITION
PUBLIC CONVENIENCE AND NECESSITY)	TO STAY SHOW-CAUSE PROCEEDINGS
PUC NO. 5342.)	

- - - - -
December 2, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Case No. 5641, which is a show-cause proceeding directed to the motor vehicle operations of SCA Services of Colorado, Inc., Respondent, was instituted on October 28, 1975, and the same was set for hearing on December 16, 1975.

SCA states in its Petition that the instant Case No. 5641 should be stayed inasmuch as the previous show-cause proceeding, namely, Case No. 5581, is presently before the Denver District Court in Civil Action No. C-60021. SCA states that in the event Case No. 5581 is reinstated, the hearing on the same issues in Case No. 5641 would be null and void, thereby causing unnecessary expense to the public and SCA.

The course of judicial proceedings with respect to Case No. 5581 is not expected to be short, and it is important for the Commission to proceed as expeditiously as possible with respect to Case No. 5641 inasmuch as the alleged transactions giving rise to the show cause transpired over a year ago.

The Commission states and finds that the aforesaid Petition does not set forth sufficient grounds for the granting thereof and that the same should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The Petition to Stay Show Cause Proceedings filed on November 25, 1975, by Respondent, SCA Services of Colorado, Inc., be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO





Commissioners

COMMISSIONER EDYTHE S. MILLER ABSENT.
vjr

(Decision No. 87854-E)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
SCA SERVICES OF COLORADO, INC.,)
5820 WEST 56TH AVENUE, ARVADA,)
COLORADO, UNDER CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 5342.)

CASE NO. 5641

ERRATUM NOTICE

December 11, 1975

Decision No. 87854

COMMISSION ORDER DENYING PETITION
TO STAY SHOW CAUSE PROCEEDINGS

(Issued December 2, 1975)

Page 1: After the first paragraph of the decision please add
the following paragraph:

"On November 25, 1975, SCA Services of Colorado,
Inc., filed a Petition to Stay Show-Cause Proceedings."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Harry A. Galligan, Jr., Secretary

Dated at Denver, Colorado, this
11th day of December, 1975.

(Decision No. 87856)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
COLORADO-UTE ELECTRIC ASSOCIATION, INC.,)
AND THE DENVER AND RIO GRANDE WESTERN)
RAILROAD COMPANY FOR AUTHORITY TO)
ESTABLISH TWO PUBLIC ROAD CROSSINGS ON)
AN INDUSTRIAL RAILROAD SPUR TRACK FROM)
THE RAILROAD COMPANY'S CRAIG BRANCH)
LINE TO THE ASSOCIATION'S CRAIG)
GENERATING STATION, THE FIRST CROSSING)
TO BE AT GRADE OVER STATE HIGHWAY 394)
IN THE NW 1/4 SE 1/4 OF SECTION 1, T6N,)
R91 W, 6TH P.M. MOFFAT COUNTY, COLORADO,)
AND THE SECOND CROSSING TO BE ABOVE)
GRADE OVER COUNTY HIGHWAY 107 IN THE)
NW 1/4 SW 1/4 OF SECTION 14, T6N, R91W,)
MOFFAT COUNTY COLORADO, AND ALSO)
AUTHORITY TO INSTALL AUTOMATIC SIGNAL)
PROTECTION DEVICES AT THE STATE HIGHWAY)
394 CROSSING, NEAR CRAIG, COLORADO.)

APPLICATION NO. 28661

December 2, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On September 30, 1975, Colorado-Ute Electric Association, Inc., (hereinafter "Colorado-Ute") and the Denver and Rio Grande Western Railroad Company (hereinafter "Rio Grande") Applicants herein, filed the above-captioned application with respect to two proposed railroad crossings and automatic signal protection devices.

The within application was noticed on October 3, 1975, to various entities and persons, but not including Utah International Inc., (hereinafter "Utah International").

On November 21, 1975, Utah International filed a "Protest and Request for Hearing of Utah International Inc." Said pleading states that the within application seeks authority to cross County Highway No. 107 with a railroad track at a point in the W 1/2 NW 1/4 SW 1/4 Section 14, Township 6 North, Range 91 West of the 6th P.M., in Moffat County, Colorado. Utah International states that that point of crossing is located on lands included in a coal mining lease dated May 1, 1954, by and between the State of Colorado and Utah Construction Company, a predecessor corporation of Utah International, and that, therefore, Utah International has an interest in the property affected by the proposed crossing and such interest was known to Colorado-Ute at the time the application was filed.

Although the protest of Utah International was not timely filed, inasmuch as it was filed after the 30-day notice of October 3, 1975, Utah International states that it should be a participant in the matter inasmuch as its interest was not reflected in the application when Colorado-Ute had knowledge of Utah International's leasehold interest, including its right to use the surface of the lands involved, and the protest was filed within thirty days of Utah International's learning of the application.

In its protest and request for hearing, Utah International requests that the Commission defer any ruling on the within application, at least insofar as it pertains to the crossing of County Highway 107, until the Colorado Board of Land Commissioners has made its ruling with regard to the pending application of Colorado-Ute for a railroad right-of-way over certain state-owned lands.

On November 26, 1975, Colorado-Ute and Rio Grande filed a "Motion to Strike Protest and Request for Hearing of Utah International, Inc.," wherein they alleged that Utah International did not timely file its Protest and Request for Hearing and that it does not have standing to protest the granting of the application. Colorado-Ute and Rio Grande further state that notice of the application was given to all legally interested persons and that Utah International, as a lessee of the property here involved, need not be given notice.

The Commission states and finds that although notice was properly given according to law, that Utah International does have a substantial interest in the subject matter of the application and should be given the opportunity to be heard. In any event, because of the significant sums of money involved in this application and its general importance, the Commission states and finds that it is in the public interest that a hearing be held thereon. Accordingly, the Motion to Strike filed by Colorado-Ute and Rio Grande should be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Motion to Strike Protest filed by Colorado-Ute Electric Association, Inc., and the Denver Rio Grande Western Railroad Company on November 26, 1975, be, and the same hereby is, denied.

2. Application No. 28661 be, and the same hereby is, set for hearing as follows:

DATE: January 7, 1976

TIME: 10:00 A. M.

PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado

The following day, January 8, 1976, will be reserved on the hearing calendar of the Commission for further hearing, if necessary.

3. Any person, firm, or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before December 26, 1975.

4. At least 15 days prior to the hearing date herein, Applicant shall file with the Secretary of the Commission six (6) copies of any and all exhibits which it intends to introduce in its direct case in support of its filing, together with a list of witnesses it intends to call, and a meaningful and complete summary of their direct testimony, and shall also furnish the same to any intervenor of record. Except upon timely motion and for good cause shown, or by stipulation of all parties and the Staff of the Commission, no other, different or additional exhibits, witnesses, or scope of witnesses' testimony will be permitted to be offered by Applicant in support of Applicant's direct case.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner

COMMISSIONER EDYTHE S. MILLER ABSENT

ds

(Decision No. 87857)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION TO AMEND TARIFF
ON LESS THAN STATUTORY NOTICE BY
SARGENT AVIATION, INC., DBA
"WESTERN STATE AVIATION".

) APPLICATION NO. 28816
)
) ORDER AUTHORIZING APPLICANT
) TO FILE NEW TARIFF ON LESS
) THAN STATUTORY NOTICE

December 2, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 25, 1975, Sargent Aviation, Inc., d/b/a "Western State Aviation" filed an application seeking permission to file its Tariff No. 1, Colorado PUC No. 1, on less than statutory notice, cancelling Tariff No. 1, Colorado PUC No. 1, filed by Wayne G. Zaelke and Gordon B. Warren, d/b/a "Western State Aviation".

In justification of its request, Applicant states that the original tariff sought to be cancelled herein was filed in 1948; that no change in rates has been filed with the Public Utilities Commission since that date; that the rates have in fact been increased periodically throughout the years, and that the proposed tariff would reflect those rates and charges now being charged.

A prior request was filed by Applicant on November 2, 1975 and was denied by the Commission by Decision No. 87784, dated November 18, 1975. The denial was based on information which indicated that all of the equipment was being leased, but that the details of the lease arrangement were not sufficient to enable the Commission to determine if the proposed rates were just and reasonable.

The subject request includes, in support thereof, a cost breakdown of the three aircraft which are being utilized, a copy of the leases between Applicant and the owners of the aircraft, and a verified statement from Applicant verifying the specific terms and conditions of the leases.

Based upon this supporting data, the Commission finds that the proposed rates are the same as those being charged by the previous owner and will result in no increase to the users of the service; that the proposed rates are just and reasonable; and that it will be in the public interest to allow the proposed tariff to become effective on less than statutory notice.

An appropriate Order shall be entered.

O R D E R

THE COMMISSION ORDERS:

1. That Applicant, Sargent Aviation, Inc., d/b/a "Western State Aviation" be, and hereby is, authorized to file its Tariff No. 1, Colorado PUC No. 1, on one day's notice.
2. That the title page of said tariff shall include the notation "Issued on less than statutory notice per authority of Public Utilities Commission Decision No. 87857, dated December 2, 1975.".
3. That this Order shall become effective forthwith.

DONE IN OPEN MEETING this 2nd day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER EDYTHE S. MILLER
ABSENT.

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

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

December 3, 1975

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 November 10, 1975. The matters were duly called for hearing pursuant to such notice on Monday, November 24, 1975, 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 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 foregoing 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 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

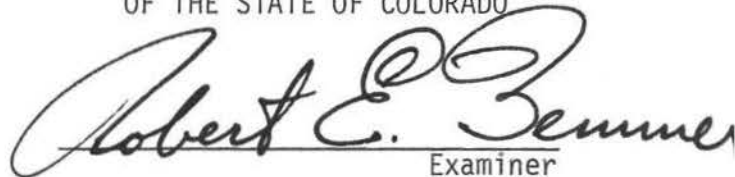
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973:

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

APPENDIX A

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Theodore Schultz dba Schultz Trucking Service 508 South Adams St. Francis, KS 67756	1538-I	3255-Ins.
Miami Valley Bus Lines, Inc. 173 East Sunrise Avenue Trotwood, OH 45426	8151-I	3264-Ins.
Charles Criswell dba Charlie Criswell & Sons Route 3 Trenton, TN 38382	8211-I	3265-Ins.
Maurice Barnhardt dba Hatchett Ranch Route 3, Box 46 Goodland, KS 67735	9213-I	3269-Ins.
Sullivan Lines, Inc. 250 Fulton Avenue Garden City Park, NY 11040	9814-I	3274-Ins.
B. J. Lock Route 8, Box 728 Dallas, TX 75211	9850-I	3275-Ins.
Ardmore Farms, Inc. 3558 Winding Way, Box 399 Newton Square, PA 19073	9976-I	3276-Ins.
Charlie Locke dba Locke Trucking Route 1, Box 24 Laurel Hill, FL 32567	10072-I	3277-Ins.
Farm Lines of America 16303 Old Valley Boulevard La Puente, CA 91744	10146-I	3278-Ins.
Multech Corporation-- Muv-All Trailers Division Box 3437, 5500 Bradley Sioux City, IA 51102	10169-I	3279-Ins.
Franch Transportation Co., Inc. dba John Bunning Transfer Co., Inc. P.O. Box 128 Rock Springs, WY 82901	B-861	3283-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>
Theodore Schultz dba Schultz Trucking Service 508 South Adams Street St. Francis, KS 67756	B-1451	3285-Ins.
Central & Southern Truck Lines, Inc. 312 West Morris Street Caseyville, IL 62232	B-5261-I	3288-Ins.
Clackamas Trucking Co. (Corp.) Box 127 Clackamas, OR 97015	B-6165-I	3289-Ins.
Donald Eugene Roberts 8405 Depew Street Arvada, CO 80003	B-7688	3292-Ins.
Valley View Excavation, Inc. P.O. Box 1644 Steamboat Springs, CO 80477	B-7738	3293-Ins.
Larry D. and Regina M. Huff dba L. D. Huff Trucking R. R. 2, Box 187 Olathe, CO 81425	B-7869	3294-Ins.
Donald Arnold and Charles Ross dba A & R Logging P.O. Box 493 Nucla, CO 81424	B-8438	3296-Ins.
Roye H. Hawkins 930 Meeker Street Delta, CO 81416	B-8450	3297-Ins.
Glassier Terliamis, Inc. Box 304 Basalt, CO 81621	M-146	3299-Ins.
Michael Brinkhoff Bellvue, CO 80512	M-1071	3300-Ins.
A & W Enterprises, Inc. 55 Lipan Street Denver, CO 80223	M-1097	3301-Ins.
Robbins Incubator Co. 2555 South Santa Fe Drive, Box 899 Denver, CO 80223	M-1321	3302-Ins.
Maurice Barnhardt dba Hatchett Ranch Box 46, Route 3 Goodland, KS 67735	M-2016	3304-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>
James F. Sorensen dba Wood Company Box 442 Basalt, CO 81621	M-2447	3305-Ins.
Melody R. Mallard dba Mallard's Towing 7235 Newton Street Westminster, CO 80030	M-3111	3308-Ins.
Town & Country Mobile Homes, Inc. 502 Douglas, Box 1309 Lawton, OK 73501	M-3240	3309-Ins.
Grand Junction Sign and Neon, Inc. 496 28 Road Grand Junction, CO 81501	M-4404	3314-Ins.
Lyle Henning dba L & H Service & Oil Company Box 295, Highway 96 & Main Street Towner, CO 81080	M-5590	3316-Ins.
James Barker dba Barker Trucking 337 East Fountain Colorado Springs, CO 80903	M-5756	3318-Ins.
Bruce F. Faricy dba Faricy Monument Co. 201 North Grand Avenue Pueblo, CO 81003	M-7012	3321-Ins.
James D. Munsey Box 902, 759 Lincoln Carbondale, CO 81623	M-7779	3322-Ins.
Diesel Re Con, Inc. 2680 Pershing Avenue Memphis, TN 38112	M-7903	3323-Ins.
Slaughter Industries, Inc. 2801 Lombardy Lane Dallas, TX 75220	M-8541	3324-Ins.
Gerard P. Tokarski Box 551 Grand Lake, CO 80447	M-8596	3325-Ins.
Ward Fielding 297 East Parkview Grand Junction, CO 81501	M-9074	3326-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>
Melvin J. Horrocks Route 2, Box 45-A Mancos, CO 81328	M-9086	3327-Ins.
Theodore Schultz dba Schultz Trucking Service 508 South Adams St. Francis, KS 67756	M-9802	3329-Ins.
Emil and Marvin Voehringer dba Triangle Service Station & Motel Box 186 Silverton, CO 81433	M-9869	3330-Ins.
James C. Wiseman dba Bar Rest Distributing Co. Box 677 Grancy, CO 80446	M-10730	3332-Ins.
Norman Thorstenson Selby, SD 57601	M-10905	3333-Ins.
Warren Dorrance dba Colorado Wall-Board Distributing 2300 - 19th Street Denver, CO 80202	M-12178	3334-Ins.
Jack T. Fay 3198 Central Canon City, CO 81212	M-12185	3335-Ins.
Mile High Office Supply Co., Inc. 2590 West 2nd Avenue, Unit 15 Denver, CO 80219	M-12753	3336-Ins.
Stark Enterprises, Inc. 32 Friendship Lane Colorado Springs, CO 80904	M-13458	3339-Ins.
Ronald Lyle Babcock 7770 Kimberley Street Commerce City, CO 80022	M-14123	3341-Ins.
Eugene S. White dba W-5 Trucking Co. 3307 East 14th Avenue Denver, CO 80206	M-14440	3342-Ins.
Instant Homes of Colorado, Inc. P.O. Box 86 Kremmling, CO 80459	M-14808	3343-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>
Town & Country Mobile Homes, Inc. P.O. Box 239 1911 Sheppard Access Road Wichita Falls, TX 76305	M-14943	3344-Ins.
Valley View Excavation, Inc. Box 1644 Steamboat Springs, CO 80477	M-15044	3345-Ins.
Howard Johnson of Oklahoma P.O. Box C Stroud, OK 74079	M-15421	3346-Ins.
Donald D. Ferrel dba Hi Country Towing 1044 South Quitman Street Denver, CO 80219	T-4	3349-Ins.
Ray L. Bates dba Motorama 803 1/2 West Colorado Avenue Colorado Springs, CO 80905	T-872	3353-Ins.
Donald C. Hill dba Don's Country Club 66 723 Horizon Drive Grand Junction, CO 81501	T-942	3354-Ins.
Lester Howard Lindsey dba Cascade Wrecking Service Silverton Star Route, Box 177 Durango, CO 81301	T-1007	3355-Ins.
Casey's Auto Salvage, Inc. dba Casey's Auto Salvage 27925 US Highway 6 and 24, Box 985 Rifle, CO 81650	T-1012	3356-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)	
COMMON AND CONTRACT CARRIERS)	
LISTED ON "APPENDIX A" HERETO.)	RECOMMENDED DECISION OF
Respondents.)	ROBERT L. PYLE, EXAMINER

- - - - -
December 3, 1975
- - - - -

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 November 17, 1975. The matters were duly called for hearing pursuant to such notice on Monday, December 1, 1975, at 9 a.m. in the Commission Hearing Room, Columbine Building, 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 40-6-109, CRS 1973, 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. 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 the hearing as lawfully ordered by the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

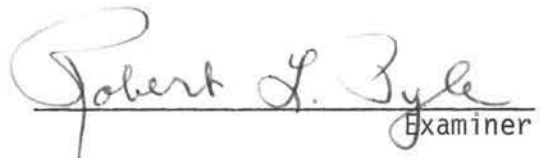
1. The operating authorities of each of the respective Respondents as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby are, revoked as of the effective date of this Order.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

(Decision No. 87859)

Appendix A

<u>NAME AND ADDRESS</u>	<u>APPLICATION NO.</u>	<u>REQUIREMENTS</u>	<u>CASE NO.</u>
Fernando L. Montez P. O. Box 66 Boone, Colorado 81025	28575-PP	Tariff, Is- suance fee, PLPD Ins.	492-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 RE THE MATTER OF MOTOR VEHICLE
CARRIER LISTED ON "APPENDIX A"
HERETO;

Respondent.

RECOMMENDED DECISION OF
ROBERT L. PYLE, EXAMINER

December 3, 1975

Appearances: Jim Miller, La Porte, Colorado,
Respondent, pro se;
George L. Baker, Denver,
Colorado, of the Staff of
the Commission.

STATEMENT

The case 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 Respondent on October 14, 1975. The matter was duly called for hearing pursuant to such notice on Monday, October 27, 1975, at 10 a.m. in the Commission Hearing Room, Columbine Building, 1845 Sherman Street, Denver, Colorado, by Robert L. Pyle, assigned by the Commission as Examiner in this proceeding pursuant to law.

The Respondent listed on "Appendix A" hereto and noted on the "Appearances" above appeared at the hearing.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert L. Pyle now transmits herewith to the Commission the record of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and the recommended order or requirement.

FINDINGS OF FACT

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

1. The record and file of the Commission did not disclose a currently effective Certificate of Insurance as to the Respondent listed in "Appendix A" hereto, and by reference incorporated hereinto.

2. The said Respondent, without good cause shown, filed to have insurance on file with this Commission.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The operating authority of the Respondent should be revoked for failure to keep a currently effective Certificate of Insurance on file with the Commission.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the Commission enter the following Order.

O R D E R

THE COMMISSION ORDERS THAT:

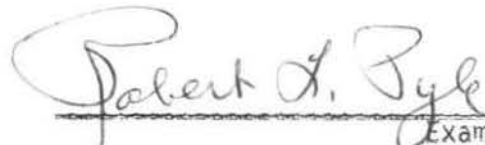
1. The operating authority of the Respondent as identified in "Appendix A" attached hereto, and by reference incorporated in this Order, be, and hereby is, revoked as of the effective date of this Order.

2. This Order shall be null and void and the respective case shall be dismissed by the terms hereof if Respondent 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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner
ds/vc

(Decision No. 87860)

Appendix A

<u>NAME AND ADDRESS</u>	<u>PUC NO.</u>	<u>CASE NO.</u>
Jim, Frieda, and Edwin Miller, dba Al's Custom Builders P. O. Box 566 La Porte, Colo. 80535	M-12724	3137-Ins.

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

(Decision No. 87861)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JESS J. WAGNER AND DENNIS L. WAGNER)
DOING BUSINESS AS "D & J TRUCKING,")
649 McKINLEY STREET, WALDEN, COLO-)
RADO, FOR EMERGENCY TEMPORARY)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28817-PP-ETA

ORDER GRANTING EMERGENCY TEMPORARY
AUTHORITY

December 9, 1975

The above-entitled application under CRS 1973, 40-6-120, 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87861
December 9, 1975

D & J Trucking

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
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)
GRANT C. WOOD, DOING BUSINESS AS)
"SUCCESS UNLIMITED," 6501 LOWELL)
BOULEVARD, DENVER, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS)
"B" CONTRACT CARRIER BY MOTOR)
VEHICLE.)

APPLICATION NO. 28731-PP

ORDER OF THE COMMISSION

- - - - -
December 9, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

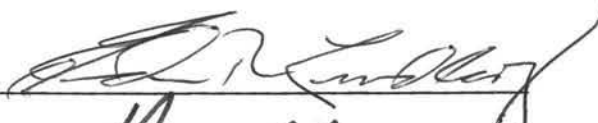

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Miller
Commissioners
md

Appendix
Decision No. 87862
December 9, 1975

Success Unlimited

Transportation of

Coke

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

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
DANIEL DALE OGILVIE, DOING BUSINESS)
AS "OGILVIE TRUCKING," 1607 CIRCLE)
DRIVE, LOUISVILLE, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO CON-)
TRACT CARRIER PERMIT NO. B-7766 TO)
JOHN T. AND JAMES I. MARTIN, DOING)
BUSINESS AS "MARTIN BROTHERS," 11)
FIRST STREET, FORT LUPTON, COLORADO.)

APPLICATION NO. 28742-PP-Transfer

ORDER OF THE COMMISSION

- - - - -
December 9, 1975
- - - - -

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (5) the herein matter is one which may properly be determined without the necessity of a formal oral hearing;

IT FURTHER APPEARING, That Transferee herein has requested that should the transfer of Contract Carrier Permit No. B-7766 be granted, the word "refuse" be deleted from said Permit;

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;

WE FURTHER FIND, That that portion of Contract Carrier Permit No. B-7766 which provides for the transportation of refuse should be deleted as requested by Transferee;

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-7766 as granted by Commission Decision No. 81494 dated October 17, 1975, subject to encumbrances, if any, against said authority approved by this Commission.

IT IS FURTHER ORDERED, That the portion of Contract Carrier Permit No. B-7766 which provides for the transportation of refuse is hereby deleted, and the full and complete authority shall read and be as set forth in the Appendix attached hereto.

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.


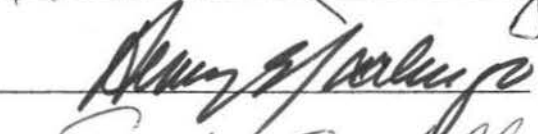
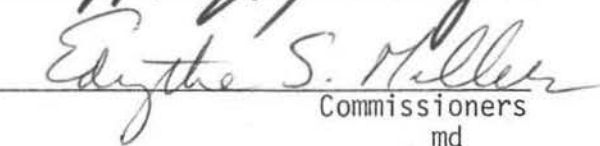
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission

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 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Edythe S. Miller
Commissioners
md

Appendix
Decision No. 87863
December 9, 1975

Martin Brothers

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)
AUGUST J., PHILIP AND FRANK J.)
MODICA, DOING BUSINESS AS "MODICA)
BROTHERS TRUCKING COMPANY," 922)
ROSITA, TRINIDAD, COLORADO, FOR)
AUTHORITY TO TRANSFER ALL RIGHT,)
TITLE AND INTEREST IN AND TO)
CONTRACT CARRIER PERMIT NO. B-3567)
TO MODICA, INC., 922 ROSITA,)
TRINIDAD, COLORADO.)

APPLICATION NO. 28741-PP-Transfer

ORDER OF THE COMMISSION

December 9, 1975

Appearances: Carmel A. Garlutz, Esq., Trinidad, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 matter 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-3567, as granted by Commission Decision No. 26710 dated September 21, 1946; Decision No. 37013 dated July 3, 1951 and Decision No. 43880 dated January 3, 1955, 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.

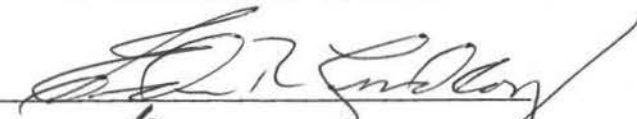

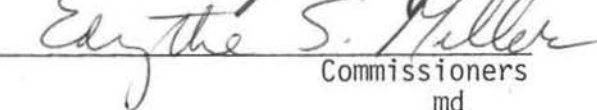
IT IS FURTHER ORDERED, That the tariff of rates, rules and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Edythe S. Miller
Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
HAROLD J. AND ARLENE B. WALLIS,)
DOING BUSINESS AS "WALLIS SCENIC)
TOURS," 2519 SOUTH BROADWAY, GRAND)
JUNCTION, COLORADO, FOR AUTHORITY)
TO EXTEND OPERATIONS UNDER CERTI-)
FICATE OF PUBLIC CONVENIENCE AND)
NECESSITY PUC NO. 7102.)

APPLICATION NO. 28737-Extension

ORDER OF THE COMMISSION

- - - - -
December 9, 1975
- - - - -

Appearances: John P. Thompson, Esq. and Raymond M. Kelley, 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 1973, 40-6-108 (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 1973, 40-6-109 (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 the present or future public convenience and necessity requires or will require Applicant's transportation service as hereinafter extended and ordered;

AND WE FURTHER FIND, That Applicant is fit, willing and able to properly perform the extended service as hereinafter granted.

An appropriate Order will be entered.

IT IS ORDERED, That Applicant named in the caption above be authorized to extend operations under Certificate of Public Convenience and Necessity PUC No. 7102 by the removal of the restriction limiting equipment to capacity of twelve passengers or less.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 7201 as extended, shall read and be as set forth in the Appendix attached hereto.

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.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edythe S. Miller
Commissioners
md

Appendix
Decision No. 87865
December 9, 1975

Wallis Scenic Tours

Transportation of

Passengers and their baggage and equipment traveling with them

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

RESTRICTION: This Certificate is restricted against the use of four-wheel drive vehicles.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)
TED CARPENTER & SON, INC., 2337)
SOUTH SHIELDS, FORT COLLINS,)
COLORADO.)

PUC NO. 1017 AND 1017-I

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

The Commission has received a petition filed by Kenneth R. Hoffman, attorney for the above referenced motor carrier, therein citing certain facts and circumstances upon which a voluntary suspension of Certificate of Public Convenience and Necessity PUC No. 1017 and 1017-I for a period of six (6) months is sought.

The Commission states and finds that to grant the herein request for a six (6) month suspension would be in the public interest, and should be granted as set forth in the Order following.

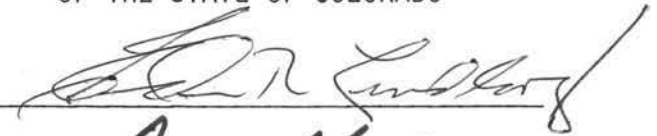
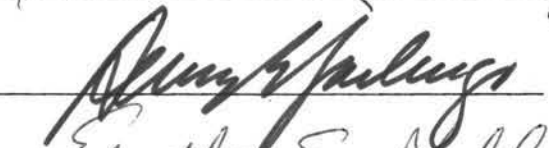

O R D E R

THE COMMISSION ORDERS:

That suspension of the motor vehicle operations under Certificate of Public Convenience and Necessity PUC No. 1017 and 1017-I, be, and hereby is, authorized by the Commission from December 9, 1975, to and including June 9, 1976; and that unless prior to expiration of said suspension period, a request in writing for reinstatement thereof, be made with the Commission, insurance filed, and compliance with all rules and regulations of the Commission applicable thereto, be made, said Certificate of Public Convenience and Necessity PUC No. 1017 and 1017-I, without further action by the Commission, shall be revoked without the right to reinstatement.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
VAIL GUIDES, INC., SUITE 2030, 718)
17TH STREET, DENVER, COLORADO, FOR)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28670
ORDER OF THE COMMISSION

- - - - -
December 16, 1975
- - - - -

Appearances: Thomas J. Burke, Jr., Esq., Denver, Colorado
Attorney for Applicant

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

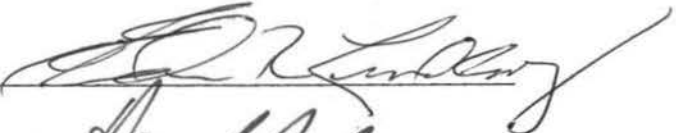
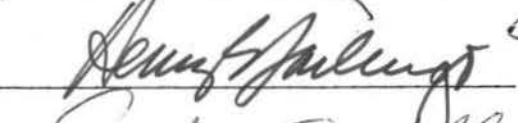
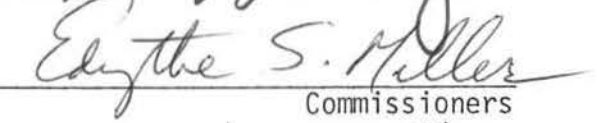
IT IS FURTHER ORDERED, That the holder of this Certificate shall operate in accordance with the Order of the Commission except when prevented by Act of God, the public enemy, or extreme conditions.

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 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87867
December 16, 1975

Vail Guides, Inc.

Transportation -- on call and demand -- of
Passengers

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

RESTRICTION: This Certificate is restricted to the use of over the
snow vehicles propelled by tracks or treads.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE SILVERTON COLLECTION AGENCY, INC.,)	
P. O. BOX 304, 964 GREENE STREET,)	
SILVERTON, COLORADO, FOR AUTHORITY)	APPLICATION NO. 28717-Transfer
TO TRANSFER ALL RIGHT, TITLE AND)	
INTEREST IN AND TO CERTIFICATE OF)	ORDER OF THE COMMISSION
PUBLIC CONVENIENCE AND NECESSITY PUC)	
NO. 8643 TO LAWRENCE EUGENE RAAB,)	
DOING BUSINESS AS "SILVERTON SANITA-)	
TION SERVICE," P. O. BOX 502,)	
SILVERTON, COLORADO.)	

- - - - -
December 16, 1975
- - - - -

Appearances: Jay H. Witt, Esq., Silverton, Colorado
Attorney for Applicants

IT APPEARING, That proper notice of the filing of the above entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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. 8643, as granted by Commission Decision No. 82105 dated January 11, 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.

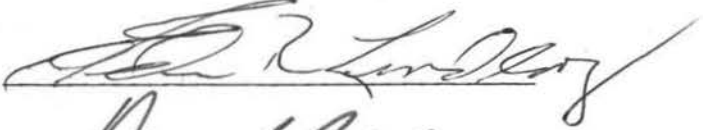
IT IS FURTHER ORDERED, That the tariff of rates, rules, and regulations of Transferor shall, upon proper adoption notice, become and remain those of Transferee until changed according to law and the rules and regulations of this Commission.

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 this 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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28789-PP
ALVIN L. WHITMAN, ROUTE 2, BOX 338,)	
GREELEY, COLORADO, FOR AUTHORITY TO)	ORDER OF THE COMMISSION
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

December 16, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

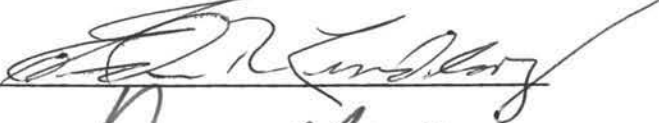


IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87869
December 16, 1975

Alvin L. Whitman

Transportation of

Farm products

Between points within an area comprised of the Counties of Weld,
Morgan and Larimer, State of Colorado.

RESTRICTION: This Permit is restricted against the transportation
of Livestock, bulk milk and dairy products.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	APPLICATION NO. 28788-PP
BOB GILLESPIE, 1015 36TH STREET,)	
EVANS, COLORADO, FOR AUTHORITY TO)	ORDER OF THE COMMISSION
OPERATE AS A CLASS "B" CONTRACT)	
CARRIER BY MOTOR VEHICLE.)	

December 16, 1975

IT APPEARING, That proper notice of the filing of the above-entitled application has been given pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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.

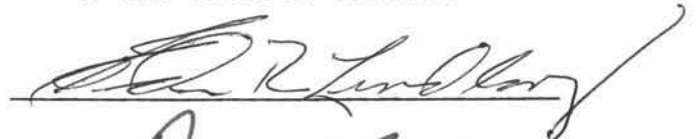
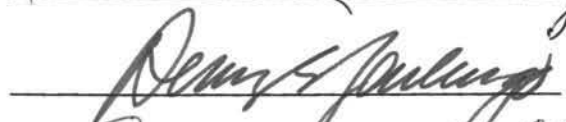

IT IS ORDERED, That Applicant named in the caption above be granted authority to operate as a Class "B" contract carrier by motor vehicle for hire with authority as set forth in the Appendix attached hereto, and that this Order shall be deemed to be, and be, a PERMIT therefor.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87870
December 16, 1975

Bob Gillespie

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)
LOADER SERVICE, INC., 402 7TH)
STREET, ROOM 119, P. O. BOX 1569,)
GLENWOOD SPRINGS, COLORADO, FOR)
AUTHORITY TO OPERATE AS A CLASS "B")
CONTRACT CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28786-PP

ORDER OF THE COMMISSION

- - - - -
December 16, 1975
- - - - -

IT APPEARING, That by Notice of the Commission dated December 1, 1975, notice of the filing of the above-entitled application was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (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 1973, 40-6-109 (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 Applicant in connection with said filing, and the files and records of the Commission;

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

Wherefore, and good cause appearing therefor:

WE FIND, That there is a present and special need for the Applicant's transportation services as hereinafter ordered;

WE FURTHER FIND, 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-7825," 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 Loader Service, Inc., 402 7th Street, Room 119, P.O. Box 1569, Glenwood Springs, 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 "A" attached hereto; that the class "B" motor vehicle contract carrier operations shall be designated and assigned the number "B-7825," 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.

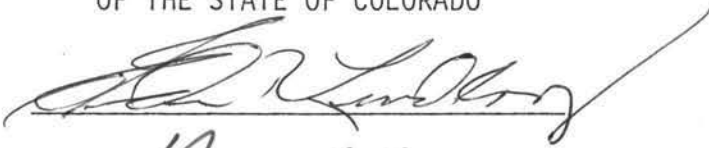
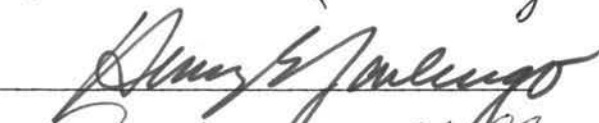

IT IS FURTHER ORDERED, That this Order is the Permit herein provided for, but it shall not become effective until Applicant has filed a statement of customers, the necessary tariffs, required insurance and has secured authority sheets.

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 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87871
December 16, 1975

Loader Service, 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 150 miles from the point(s) of origin.

(Decision No. 87872)

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. 1073.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 930

ORDER DENYING
MOTION TO SUPPLEMENT THE RECORD

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1975, the Colorado Municipal League (hereinafter referred to as the "League") filed with the Commission a "Motion to Supplement the Record" in the above docket, specifically requesting the Commission to issue an order "permitting the League to take the deposition of Commission Staff employee Dr. George Parkins who was presented as an expert witness on behalf of the Staff in the above-captioned proceedings and who testified regarding certain rates." The League states that said testimony is required to show affirmatively, in the easiest and most efficient manner, the absence in the record and proceedings of certain data referred to in the order of the Commission.

During the course of the hearings the League had the opportunity to present, by direct testimony, cross-examination or exhibit, whatever evidence it believed to be pertinent for the Commission's consideration. If the League believes that the Commission's final Decision, or Order therein, is improper, incomplete, or otherwise unlawful, it may so allege by appropriate pleadings filed in accordance with the Commission's Rules of Practice and Procedure.

The Commission states and finds that insufficient grounds exist for granting the request and concludes that the Motion should be denied.

An appropriate Order will be entered.

O R D E R


THE COMMISSION ORDERS THAT:

The Motion to Supplement the Record filed on November 18, 1975, by the Colorado Municipal League be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Edythe S. Haller
Commissioners
ma

COMMISSIONER HENRY E. ZARLENGO
DISSENTS. DISSENT WILL FOLLOW
AT A LATER DATE.



Commissioner

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 ADVISE LETTER)
NO. 1073.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 930

DISSENT TO ORDER DENYING MOTION
TO SUPPLEMENT THE RECORD

- - - - -
December 18, 1975
- - - - -

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent for the following reasons.

The Motion being denied alleges that the League be permitted to take the deposition of an expert staff employee who testified in the hearing in order to supplement the record and that "Said testimony is required to show affirmatively, in the easiest and most efficient manner, the absence in the record and proceedings of certain data referred to in the order of the Commission."

The proceeding has been of long duration and the record is of extreme proportions. The matter involves very substantial amounts and affects the rights of many customers. If by the taking of such testimony, as it is alleged, further proceedings before the Commission and the courts would be rendered less complex and shortened, and if the law permits the taking of such testimony in the manner and for the reasons alleged, the Motion should be granted.

Under the circumstances and particularly taking into consideration the relatively short time required, the Motion should be set for argument.

The Commission, thereby, would have the benefit of opposing legal arguments on a doubtful issue and detriment to the public interest might be avoided.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

hbp

(Decision No. 87873)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF COLORADO-UTE ELECTRIC ASSOCI-)
ATION, INC., AND THE DENVER AND)
RIO GRANDE WESTERN RAILROAD)
COMPANY FOR AUTHORITY TO ESTABLISH)
TWO PUBLIC ROAD CROSSINGS ON AN)
INDUSTRIAL RAILROAD SPUR TRACK)
FROM THE RAILROAD COMPANY'S CRAIG)
BRANCH LINE TO THE ASSOCIATION'S)
CRAIG GENERATING STATION, THE)
FIRST CROSSING TO BE AT GRADE OVER)
STATE HIGHWAY 394 IN THE NW¼ SE¼)
OF SECTION 1, T6N, R91W, 6TH P.M.)
MOFFAT COUNTY, COLORADO, AND THE)
SECOND CROSSING TO BE ABOVE GRADE)
OVER COUNTY HIGHWAY 107 IN THE)
NW¼ SW¼ OF SECTION 14, T6N, R91W,)
MOFFAT COUNTY COLORADO, AND ALSO)
AUTHORITY TO INSTALL AUTOMATIC)
SIGNAL PROTECTION DEVICES AT THE)
STATE HIGHWAY 394 CROSSING, NEAR)
CRAIG, COLORADO.)

APPLICATION NO. 28661

COMMISSION ORDER DENYING MOTION TO
REQUIRE FILING OF DOCUMENTS AND
OTHER INFORMATION

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 5, 1975, Applicant, Colorado-Ute Electric Association, Inc., (hereinafter "Colorado-Ute") filed with the Commission a pleading entitled "Motion to Require Filing of Documents and Other Information" whereby it requests the Commission to enter an order requiring Protestant, Utah International Inc., basically to comply with the same requirements, with respect to the prefiling of exhibits and summary of testimony, that Colorado-Ute is required to do, pursuant to paragraph 4 of the Commission's Order contained in Decision No. 87856 entered December 2, 1975. In other words, Colorado-Ute wants Utah International Inc., to prefile its case on or before December 23, 1975.

By Decision No. 87856, the deadline by which any person, firm or corporation must file a pleading requesting intervention was set for December 26, 1975. At the present time, the Commission does not know who the intervenors will be, if any. Accordingly, the Commission cannot order Utah International Inc., to prefile its case since it has not yet petitioned to intervene. Under the circumstances, Colorado-Ute's Motion must be denied with the understanding that a similar motion can be made later, after the Commission and Colorado-Ute know who the intervenors are.

An appropriate Order will be entered.

O R D E R

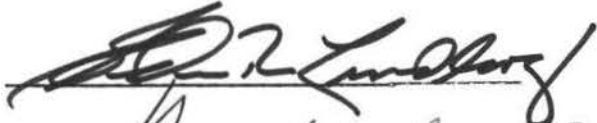
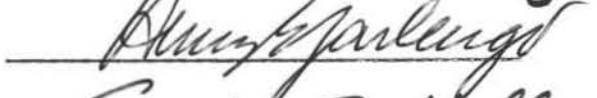

THE COMMISSION ORDERS THAT:

The pleading entitled "Motion to Require Filing of Documents and Other Information" filed on December 5, 1975, by Applicant, Colorado-Ute Electric Association, Inc., be, and the same hereby is, denied, without prejudice.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
js

(Decision No. 87874)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *
IN THE MATTER OF THE APPLICATION OF)
DELBERT F. JOHNSTON, 2601 GORE)
ROAD, PUEBLO, COLORADO, FOR TEMPO-)
RARY AUTHORITY TO EXTEND OPERATIONS)
UNDER CONTRACT CARRIER PERMIT NO.)
B-3966.)

APPLICATION NO. 28782-PP-Extension-TA
ORDER GRANTING TEMPORARY AUTHORITY

- - - - -
December 16, 1975
- - - - -

The above-entitled application under CRS 1973, 40-6-120, 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 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87874
December 16, 1975

Delbert F. Johnston

Transportation of

Animal carcasses, offal, bone scraps unfit for human consumption and bone meal

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

RESTRICTION: This temporary authority is restricted to rendering transportation service for one customer only, M & J Commodities, 1440 Stockyard Road, Pueblo, Colorado.

(Decision No. 87875)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
O-KAN FLUID SERVICE, INC., BOX 316,)
INDUSTRIAL PARK AVENUE, LIBERAL,)
KANSAS, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28794-TA

ORDER DENYING TEMPORARY AUTHORITY

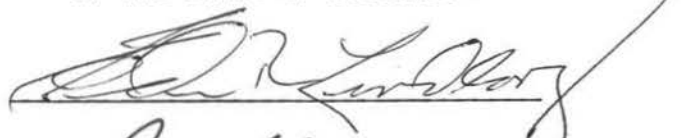
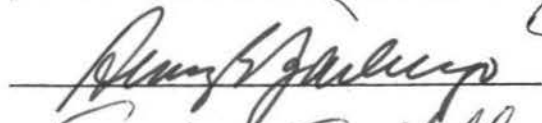

December 16, 1975

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87876)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
QUINBY BROTHERS HOUSE MOVERS, INC.,)
ROUTE 1, BOX 36B, COMMERCE CITY,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28795-TA

ORDER GRANTING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

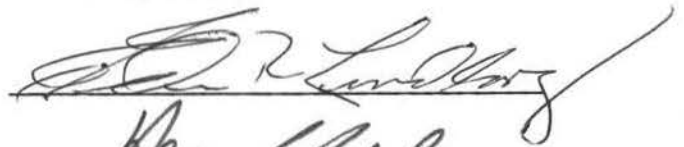
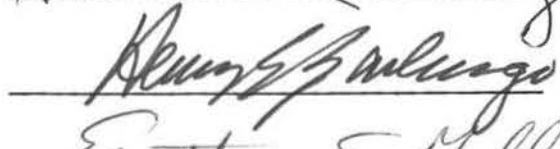
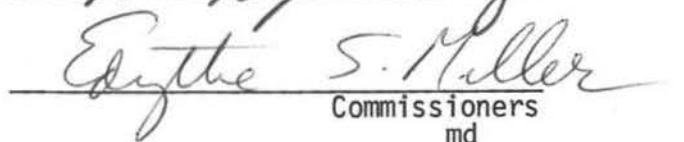
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87876
December 16, 1975

Quinby Brothers House Movers, Inc.

Transportation -- on call and demand -- of

Houses, buildings and other structures

Between all points within the City and County of Denver and a thirty-five (35) mile radius thereof.

RESTRICTION: This temporary authority is restricted against the transportation of new modular homes and any components thereof from the point of manufacture.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE N. CARTER, DOING BUSINESS AS)
"J. N. C.," 4915 WORCHESTER STREET,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28800-TA

ORDER DENYING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being
under consideration, and

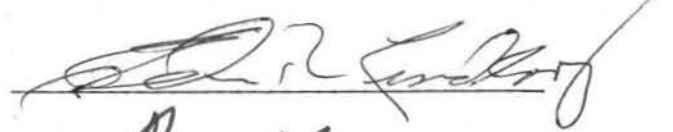

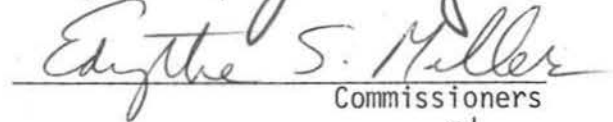
IT APPEARING, That there is no public support indicating an
immediate and urgent need for such transportation services within the
area set forth in said application.

AND IT FURTHER APPEARING, That the Commission's records reveal
that there are seventeen (17) motor vehicle common carriers presently
authorized to render such transportation services as herein sought by
this instant application.

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

DONE IN OPEN MEETING the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87878)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES WILLIAM SUTTERBY, DOING BUSI-)
NESS AS "SAN JUAN MOUNTAIN TRANSIT,")
ROUTE 1, BOX 341-C, DURANGO, COLO-)
RADO, FOR TEMPORARY AUTHORITY TO)
OPERATE AS A COMMON CARRIER BY)
ROTARY WING AIRCRAFT.)

APPLICATION NO. 28807-TA

ORDER DENYING TEMPORARY AUTHORITY

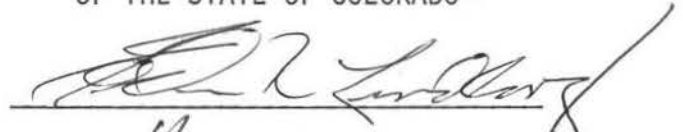
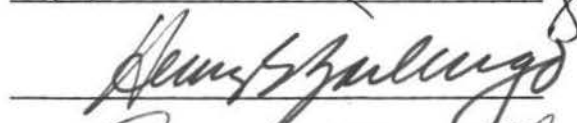
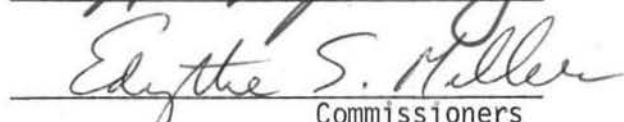
- - - - -
December 16, 1975
- - - - -

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87879)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RUAN TRANSPORT CORPORATION, 3200)
RUAN CENTER, 666 GRAND AVENUE, DES)
MOINES, IOWA, FOR TEMPORARY AUTH-)
ORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28781-TA

ORDER GRANTING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and


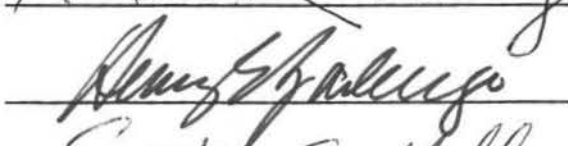
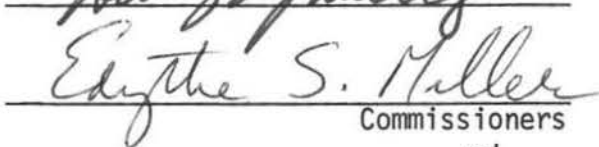
IT APPEARING, That there is an immediate and urgent need for the motor carrier service described in the Appendix attached hereto, and that there is no carrier service available capable of meeting such need.

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 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

Appendix
Decision No. 87879
December 16, 1975

Ruan Transport Corporation

Transportation of

Spent phosphoric acid in bulk, in tank vehicles

From the Eastman Kodak Plant near Windsor, Colorado, to Lucerne,
Colorado.

(Decision No. 87880)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RICHARD L. SLATTEN, DOING BUSINESS)
AS "R & R MOVING," 926 HOOKER,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28797-TA

ORDER DENYING TEMPORARY AUTHORITY

- - - - -
December 16, 1975
- - - - -

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

IT APPEARING, That there is no public support indicating an immediate and urgent need for such transportation services within the area set forth in said application.

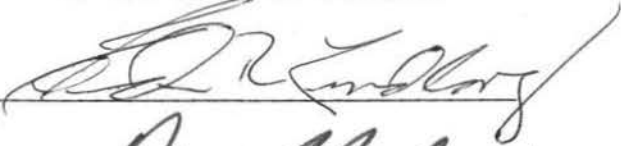
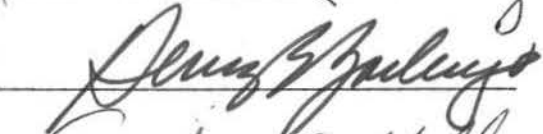
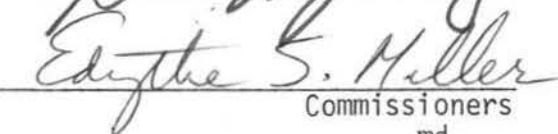
IT FURTHER APPEARING, That the Commission records reveal that there are seventeen (17) motor vehicle common carriers presently authorized to render such transportation services as herein sought by this instant application.

AND IT FURTHER APPEARING, That no application has been filed for permanent authority to render the transportation services sought in the within application for temporary authority; which application for permanent authority would enable the Commission to determine fully whether the public convenience and necessity requires such services.

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

DONE IN OPEN MEETING THE 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SHERRY L. SLATTEN, DOING BUSINESS)
AS "SLATTEN'S MOVING," 926 HOOKER,)
DENVER, COLORADO, FOR TEMPORARY)
AUTHORITY TO OPERATE AS A COMMON)
CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28796-TA

ORDER DENYING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

IT APPEARING, That there is no public support indicating an immediate and urgent need for such transportation services within the area set forth in said application.


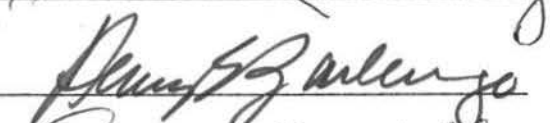
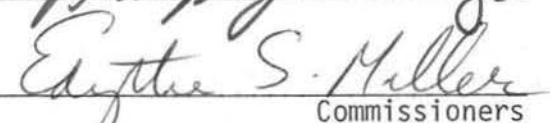
IT FURTHER APPEARING, That the Commission records reveal that there are seventeen (17) motor vehicle common carriers presently authorized to render such transportation services as herein sought by this instant application.

AND IT FURTHER APPEARING, That no application has been filed for permanent authority to render the transportation services sought in the within application for temporary authority; which application for permanent authority would enable the Commission to determine fully whether the public convenience and necessity requires such services.

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

DONE IN OPEN MEETING the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87882)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM H. SVENDSEN, DOING BUSINESS)
AS "BILL'S MOVING," 5320 WEST 29TH)
AVENUE, WHEATRIDGE, COLORADO, FOR)
TEMPORARY AUTHORITY TO OPERATE AS)
A COMMON CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 28799-TA

ORDER DENYING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

IT APPEARING, That there is no public support indicating an immediate and urgent need for such transportation services within the area set forth in said application.

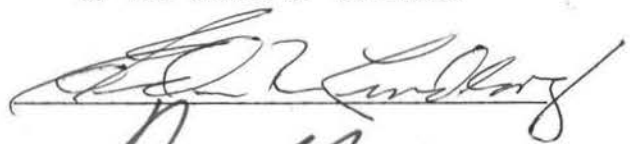
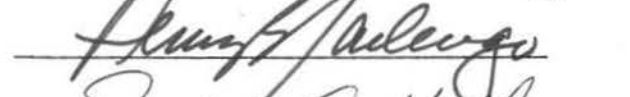
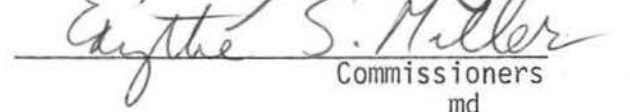
IT FURTHER APPEARING, That the Commission records reveal that there are seventeen (17) motor vehicle common carriers presently authorized to render such transportation services as herein sought by this instant application.

AND IT FURTHER APPEARING, That no application has been filed for permanent authority to render the transportation services sought in the within application for temporary authority; which application for permanent authority would enable the Commission to determine fully whether the public convenience and necessity requires such services.

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

DONE IN OPEN MEETING, the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87883)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BOB HANSON, DOING BUSINESS AS "BOB'S)
MOVING," 2775 SOUTH FEDERAL, DENVER,)
COLORADO, FOR TEMPORARY AUTHORITY)
TO OPERATE AS A COMMON CARRIER BY)
MOTOR VEHICLE.)

APPLICATION NO. 28798-TA

ORDER DENYING TEMPORARY AUTHORITY

December 16, 1975

The above-entitled application under CRS 1973, 40-6-120, being under consideration, and

IT APPEARING, That there is no public support indicating an immediate and urgent need for such transportation services within the area set forth in said application.

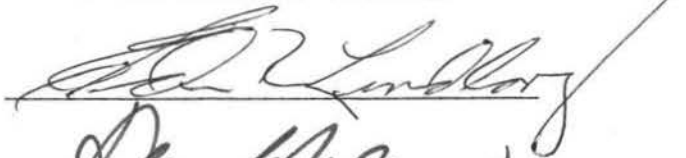
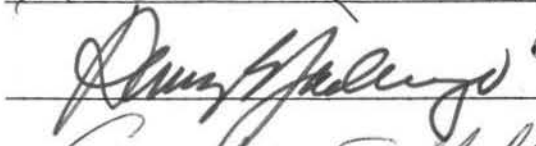
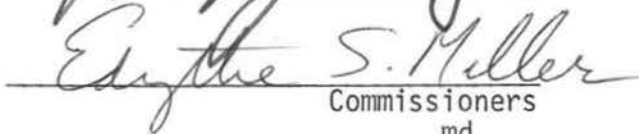
IT FURTHER APPEARING, That the Commission records reveal that there are seventeen (17) motor vehicle common carriers presently authorized to render such transportation services as herein sought by this instant application.

AND IT FURTHER APPEARING, That no application has been filed for permanent authority to render the transportation services sought in the within application for temporary authority; which application for permanent authority would enable the Commission to determine fully whether the public convenience and necessity requires such services.

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

DONE IN OPEN MEETING the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87884)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *
IN THE MATTER OF THE APPLICATION OF)
GERARD C. BERTSCH, 2201 WEST VASSAR)
AVENUE, ENGLEWOOD, COLORADO, FOR)
TEMPORARY APPROVAL TO ACQUIRE)
OPERATIONAL CONTROL OF E-Z REFUSE)
SERVICE, INC., RECORD OWNER OF)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY PUC NO. 8622, PENDING)
DETERMINATION OF THE APPLICATION TO)
ACQUIRE ALL THE ISSUED AND OUTSTAND-)
ING CAPTIAL STOCK OF SAID CARRIER.)

APPLICATION NO. 28806-Stock Transfer-T

ORDER DENYING TEMPORARY APPROVAL

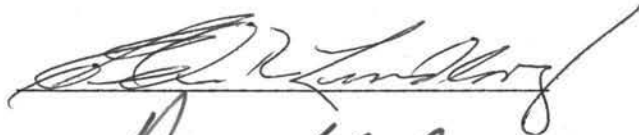
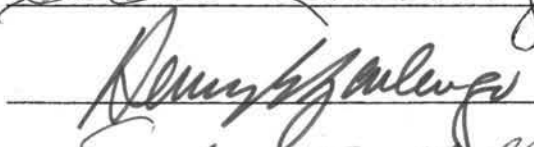

December 16, 1975

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

(Decision No. 87885)

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. 930
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY UNDER)	COMMISSION ORDER DENYING APPLICATION
ADVICE LETTER NO. 1073.)	FOR REHEARING, REARGUMENT OR
	RECONSIDERATION

December 9, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 30, 1975, the Commission issued its Decision No. 87701 in the above-captioned matter.

On November 19, 1975, Respondent, Mountain States Telephone and Telegraph Company filed an Application for Rehearing, Reargument or Reconsideration of Decision No. 87701.

The Commission states and finds that Respondent's Application does not set forth sufficient grounds for any change or modification and that said Application should therefore be denied.

An appropriate order will be entered.

O R D E R



THE COMMISSION ORDERS THAT:

The Application for Rehearing, Reargument or Reconsideration filed on November 19, 1975, by Respondent, Mountain States Telephone and Telegraph Company be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

COMMISSIONER HENRY E. ZARLENGO DISSENTS.
Dissent will follow at a later date.



DISSENT TO: Decision No. 87885
Entered December 9, 1975

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. 930
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY UNDER	)	DISSENT TO COMMISSION ORDER
ADVICE LETTER NO. 1073.	)	DENYING APPLICATION FOR REHEARING,
		REARGUMENT OR RECONSIDERATION

- - - - -
December 18, 1975
- - - - -

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

The Application of Mountain Bell for rehearing, reargument or reconsideration should be granted and hearing held limited to reargument and reconsideration.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INVESTIGATION)	
OF THE DEPOSIT, REFUND AND TERMINATION)	
POLICIES AND PRACTICES OF PUBLIC)	CASE NO. 5650
SERVICE COMPANY WITH RESPECT TO)	
NATURAL GAS SERVICE AND ELECTRIC)	
SERVICE.)	

December 9, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On August 12, 1975, by its Advice Letter No. 210, Public Service Company of Colorado (hereinafter "Public Service") filed tariffs relating to its Natural Gas Service Deposit and Refund Policy. These tariffs are identified as follows:

Colo. PUC No. 4 - Gas

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>	<u>Cancels Colo. PUC Sheet No.</u>
2nd Revised R4	Natural Gas Service, General	1st Revised R4
2nd Revised R5	Natural Gas Service, General	1st Revised R5
Original R5A	Natural Gas Service, General	

Also on August 12, 1975, Public Service, by its Advice Letter No. 655, filed tariffs relating to its Electric Service Deposit and Refund Policy. These tariffs are identified as follows:

Colo. PUC No. 5 - Electric

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>	<u>Cancels Colo. PUC Sheet No.</u>
1st Revised R5	Electric Service, General	Original R5
1st Revised R6	Electric Service, General	Original R6
Original R6A	Electric Service, General	

The above-stated tariff filings became effective by operation of law on September 11, 1975, and are presently in effect. The Deposit and Refund Policy is the same for both gas and electric service.

Public Service's Tariff Policy with respect to deposits and refunds is set forth in Appendix A to this decision.

Rule 11(f) of the Commission's Rules Regulating the Service of Electric Utilities and likewise Rule 11(f) of the Commission's Rules Regulating the Service of Gas Utilities requires that these utilities shall file as part of their tariffs a brief statement setting forth their

deposit requirement policy, explaining under what circumstances a deposit shall be required and when such deposit shall be returned. The above tariffs, as set forth, were filed by Public Service Company to implement Rule 11(f).

Public Service's policy with respect to discontinuance of gas service is contained in Colorado PUC No. 4 - Gas, 2nd Revised Sheet No. R7 and 1st Revised Sheet No. R8 (which were filed pursuant to Advice Letter No. 134 and which became effective December 31, 1967). The tariff is set forth in Appendix B attached to this decision.

Public Service's policy with respect to discontinuance of electric service is contained in Colorado PUC No. 5 - Electric, 1st Revised Sheet No. R8 (which was filed pursuant to Advice Letter No. 657 and which became effective November 11, 1975) and Original Sheet No. R9 (which was filed pursuant to Advice Letter No. 619 and which became effective February 3, 1972). The tariff is set forth in Appendix C attached to this decision.

Recently there has been considerable concern expressed by public officials, consumer groups, and by private citizens about the deposit policy of Public Service Company. Approximately 100 inquiries and complaints have been filed with the Commission relating to Public Service's Deposit and Refund Policy. One of the significant thrusts of the complaints that have been received by the Commission is that the deposit policy of Public Service works a substantial hardship on individuals who are in unfortunate economic circumstances and who may not, for reasons beyond their control, always be able to pay their utility bills on time. It is said that Public Service's deposit policy, as presently constituted, requires a customer who is terminated or delinquent to make a substantial deposit at a time when he is least able to do so, thereby depriving him of essential utility service.

The Commission also recognizes, of course, that a public utility cannot indefinitely provide free utility service to a consumer who cannot or will not pay his bills and that losses incurred by the non-payment of bills must be made up by the general body of ratepayers. Accordingly, it is necessary to see that the respective concerns and interests of all consumers are fairly protected by a deposit and refund policy.

The Commission is also concerned that the termination policies and practices of Public Service may work an unfair hardship on consumers who are temporarily unable to pay their bills in full by cutting off their gas and/or electric service in periods of cold weather.

In order for the Commission to determine what a fair and equitable deposit and refund policy should be in the administration of Rule 11, and in order to become fully apprised as to Public Service's termination policies and practices and to determine what changes, if any, should be made, the Commission has decided to set these matters for investigation and hearing.

The Commission will welcome the full participation of all organizations, groups, and individual citizens as well as that of Public Service and other gas and electric utilities (if they so desire) in the hearing which we shall hereafter order.

In order to expedite the course of proceedings with respect to the foregoing matters, we shall give the opportunity, prior to oral hearings herein, for all interested persons, firms, or corporations to submit their views with respect to the present Public Service tariffs, policies and practices, and to offer any suggestions for change and amendment thereto.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Commission will enter upon an investigation of Public Service Company of Colorado's tariffs as follows:

Colo. PUC No. 4 - Gas

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>
2nd Revised R4	Natural Gas Service, General
2nd Revised R5	Natural Gas Service, General
Original R5A	Natural Gas Service, General

Colo. PUC No. 5 - Electric

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>
1st Revised R5	Electric Service, General
1st Revised R6	Electric Service, General
Original R6A	Electric Service, General

Colo. PUC No. 4 - Gas

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>
2nd Revised R7	Natural Gas Service, General
1st Revised R8	Natural Gas Service, General

Colo. PUC No. 5 - Electric

<u>Colo. PUC Sheet No.</u>	<u>Title of Sheet</u>
1st Revised R8	Electric Service, General
Original R9	Electric Service, General

Said investigation will also encompass the practices of Public Service Company of Colorado in implementing said tariffs.

2. Hearing with respect to the matters set forth in paragraph 1 of this Order shall be held as follows:

DATE: Monday, January 5, 1976

TIME: 10 a.m.

PLACE: 500 Columbine Building
1845 Sherman Street
Denver, Colorado 80203

The hearing date of January 5, 1976, will be utilized only to establish procedures to be used during the course of the proceedings.

3. Any person, firm or corporation desiring to intervene as a party in the within proceeding shall file an appropriate pleading therefor with the Commission on or before December 30, 1975.

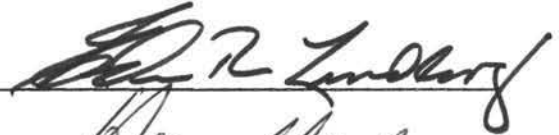


4. Any person, firm, or corporation desiring to submit to the Commission a written statement of position with respect to the matters delineated in paragraph 1 of this Order shall file such statement of position with the Commission on or before January 12, 1976.

5. Public Service Company of Colorado be, and the same hereby is, made a Respondent in this proceeding.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
nlr

PUBLIC SERVICE COMPANY
OF COLORADO
DEPOSITS AND REFUNDS

RESIDENTIAL DEPOSITS AND REFUNDS

Any applicant for new residential service will be furnished such service without requiring a customer deposit unless said applicant's previous payment record includes recent or substantial delinquencies.

An applicant shall be required to make a customer deposit of an estimated ninety days bill for service if during the most recent preceding twelve month period on any service account at any location, termination of service due to payment delinquency has occurred at least twice or customer has been issued five or more notices of discontinuance of service.

Any residential customer during the initial ninety days of service whose account becomes delinquent and remains delinquent after notification of such delinquency shall be required to pay an estimated ninety days bill as a customer deposit.

An existing residential customer shall be required to pay an estimated ninety days bill as a customer deposit when five or more notices of discontinuance of service have been issued within the most recent twelve month period. An estimated ninety days bill as a customer deposit will also be required prior to restoring service following the third termination of service for delinquency of payment in any twelve month period.

In the case of individually metered, multi-unit housing where residential and commercial meters are served in the same customer name, an estimated ninety days bill customer deposit for each residential account and each commercial account served in that customer name will be required if any account served in such customer's name is discontinued for non-payment or if a final statement following termination of service on any such account becomes more than sixty days past due.

Customer deposits will also be required in cases involving bankruptcy or subterfuge.

Any customer deposit as required hereunder is not to be considered as advance payment or part payment of any bill for service but is security for payment for service to be applied against unpaid bills only in the event service is discontinued.

Refunds of residential customer deposits shall be made following any twelve month period during which no delinquency resulting in a written notification to customer has occurred. Refunds will otherwise be made only at such time as service is discontinued and all outstanding bills have been paid.

Upon refund of deposit, simple interest at the rate of 7 percent per annum shall be paid to customer unless such deposit was held by Company for less than six months. Interest will be paid annually upon request of customer.

COMMERCIAL AND INDUSTRIAL DEPOSITS AND REFUNDS

Any applicant for commercial or industrial service will be required to make a customer deposit of an estimated ninety days bill unless said applicant has maintained a satisfactory payment record on all other service accounts within a recent period. Satisfactory payment history shall consist of not more than one discontinuance of service for non-payment and not more than three notices of discontinuance being incurred on any account during the most recent twelve month period.

An existing commercial or industrial customer will be required to make a customer deposit of an estimated ninety days bill when four or more notices of discontinuance of service have been issued within a twelve month period. An estimated ninety days bill as customer deposit will also be required from an existing customer prior to restoring service following second termination of service resulting from delinquency of payment in any twelve month period.

In the case of individually metered, multi-unit housing where residential and commercial meters are served in the same customer name, an estimated ninety days bill customer deposit for each residential account and each commercial account served in that customer name will be required, if any account served in such customer's name is discontinued for non-payment or if a final statement following termination of service on any such account becomes more than sixty days past due.

Customer deposits will also be required in cases involving bankruptcy or subterfuge.

Any customer deposit as required hereunder is not to be considered as advance payment or partial payment of any bill for service, but is security for payment of service to be applied against unpaid bills only in the event service is discontinued.

Customer deposits for commercial and industrial accounts will be retained by the Company for a minimum period of three years or until service is discontinued if sooner than three years.

Refunds of commercial and industrial deposits will be made at any time following the three year retention period in which the customer's most recent twelve month history indicates that no notice of termination for non-payment was mailed. Refunds will otherwise be made only at such time as service is discontinued and all outstanding bills have been paid.

Upon refund of deposit, simple interest at the rate of 7 percent per annum shall be paid to customer unless such deposit was held by Company for less than six months. Interest will be paid annually upon request of customer.

PUBLIC SERVICE COMPANY
OF COLORADO
DISCONTINUANCE OF GAS SERVICE

DISCONTINUANCE OF SERVICE BY COMPANY

The Company may discontinue its service upon not less than five days written notice of intention to discontinue service:

1. If the Customer fails to pay bills for service rendered as herein stipulated.
2. If the Customer fails to comply with the Company's Rules and Regulations after due notice of such failure is given by the Company and reasonable time is allowed for compliance.
3. If the Customer's use of service is detrimental to the natural gas service being furnished by the Company to other Customers in the immediate vicinity or supplied from the same distribution system.

Where service has been discontinued as stated preceding, Company shall have a reasonable time, but not more than twenty-four hours, after elimination by Customer of cause for discontinuance within which to reconnect service. Company may require Customer to pay, in addition to any other charges due, a charge of four dollars (\$4.00) to cover the cost of disconnection and reconnection of service at the meter. However, if gas service is discontinued at other than the meter, Company may charge Customer the cost to the Company of disconnection and reconnection of gas service.

The Company may discontinue its service without notice:

1. If the condition or installation of any part of the Customer's gas piping, apparatus, or appliances is found to be dangerous to life, health, or safety of any person.
2. If the Customer or anyone connected with him or anyone with his knowledge or consent has violated any of the ordinances, statutes, or other lawful regulation of properly constituted authorities applicable to his natural gas service. The Company does not assume responsibility and will not be held responsible for ascertaining such conditions.
3. If any gas consuming devices are connected on the line side of Company's meter, or if connections or devices of any kind are found installed on the premises of Customer which would prevent the meter from registering the total amount of natural gas used.

Company will reconnect service within twenty-four hours after remedy by Customer of the cause for discontinuance of service and payment to Company of all charges due together with an additional charge of not less than four dollars (\$4.00) to cover cost of disconnection and reconnection of service at the meter. However, if gas service is discontinued at other than the meter, Company may charge Customer the cost to the Company of disconnection and reconnection of gas service.

PUBLIC SERVICE COMPANY
OF COLORADO
DISCONTINUANCE OF ELECTRIC SERVICE

DISCONTINUANCE OF SERVICE BY COMPANY

The Company may discontinue its service upon not less than seven days written notice of intention to discontinue service:

1. If the Customer fails to pay bills for service rendered as herein stipulated.
2. If the Customer fails to comply with the Company's Rules and Regulations after due notice of such failure is given by the Company and reasonable time is allowed for compliance.
3. If the Customer's use of service is detrimental to the electric service being furnished by the Company to other Customers in the immediate vicinity or supplied from the same distribution system.

Where service has been discontinued as stated preceding, Company shall have a reasonable time, but not more than twenty-four hours, after elimination by Customer of cause for discontinuance within which to reconnect service. Company may require Customer to pay, in addition to any other charges due, a charge of not less than four dollars (\$4.00) to cover cost of disconnection and reconnection.

The Company may discontinue its service without notice:

1. If the condition or installation of any part of the Customer's lines, apparatus, or appliances is found to be dangerous to life, health, or safety or any person.
2. If the Customer or anyone connected with him or anyone with his knowledge or consent has violated any of the ordinances, statutes, or other lawful regulation of properly constituted authorities applicable to his electric service. The Company does not assume responsibility and will not be held responsible for ascertaining such conditions.
3. If any electric consuming devices are connected on the line side of Company's meter, or if connections or devices of any kind are found installed on the premises of Customer which would prevent the meter from registering the total amount of electricity used.

Company will reconnect service within twenty-four hours after remedy by Customer of the cause for discontinuance of service and payment to Company of all charges due, together with an additional charge of not less than four dollars (\$4.00) to cover cost of disconnection and reconnection of service.

(Decision No. 87887)

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. 930
REVISIONS FILED BY MOUNTAIN STATES)	
TELEPHONE AND TELEGRAPH COMPANY UNDER	)	COMMISSION ORDER GRANTING MOTION
ITS ADVICE LETTER NO. 1073.	)	FOR RELIEF FROM THE REQUIREMENT
	)	OF CRS 1973, § 40-6-113(1)

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On November 18, 1975, Colorado Municipal League (the League) filed a pleading entitled "Motion For Relief From The Requirement of CRS 1973, §40-6-113(1)." Said pleading states:

"CRS 1973, §40-6-113(1), as amended, requires, inter alia, the party who seeks to reverse or modify a Commission decision to pay the cost of preparing the transcript of the proceeding before the Commission.

"Transcripts of the proceeding sought to be reviewed herein were prepared on a daily basis at the direction of the Commission and several copies were filed with the Commission.

"Copies of the daily transcripts so prepared are available for certification to the District Court by the Commission as part of the record in its Investigation and Suspension Docket No. 930 without any additional cost to the Commission and should be so used without charge to any party.

"It is requested that, under the circumstances, the provisions of CRS 1973, §40-6-113(1), as amended, be waived as to the League inasmuch as the Commission has heretofore ordered said transcripts and inasmuch as copies of said transcripts are available for certification to the District Court as part of the record in Investigation and Suspension Docket No. 930."

The Commission states and finds that good grounds have been set forth for the granting of the League's Motion.

An appropriate Order will be entered.

O R D E R

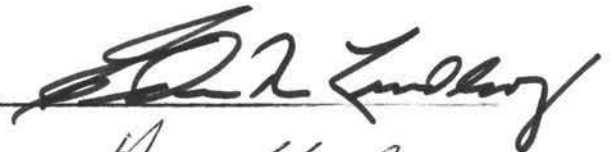


THE COMMISSION ORDERS THAT:

The Colorado Municipal League be, and the same hereby is, relieved of the requirement to order and pay for a transcript of the Commission's proceedings in Investigation and Suspension Docket No. 930, as requested in its pleading entitled "Motion For Relief From The Requirement of CRS 1973, § 40-6-113(1) "filed with the Commission November 18, 1975.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE INCREASE IN THE)
RATES OF DELTA-MONTROSE RURAL POWER)
LINES ASSOCIATION, a/k/a DELTA-)
MONTROSE ELECTRIC ASSOCIATION OF)
DELTA, MONTROSE AND GUNNISON)
COUNTIES, P. O. BOX 59, DELTA,)
COLORADO, PURSUANT TO NOTICE DATED)
AUGUST 22, 1975, ADVICE LETTER NO. 29.)

CASE NO. 5640

COMMISSION ORDER DENYING MOTION
TO QUASH

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On October 21, 1975, Russell Stover Candies, Inc., (hereinafter "Russell Stover") filed an Application for Rehearing, Reconsideration or Reargument directed to the Commission's action allowing certain rate increases requested by Delta-Montrose Rural Power Lines Association (hereinafter "Delta-Montrose") pursuant to Advice Letter No. 29, to become effective by operation of law on September 26, 1975, without suspension or hearing.

By Commission Decision No. 87696, dated October 28, 1975, the Commission elected to treat Russell Stover's Application for Rehearing, Reconsideration or Reargument as a formal complaint.

Ordering Paragraph No. 3 of Decision No. 87696 requested Delta-Montrose to "answer the allegations set forth in the said pleading filed by Russell Stover Candies, Inc., as though the same were a formal complaint, or satisfy the same pursuant to Rule 12 C. 2 of the Rules of Practice and Procedure before this Commission."

On November 17, 1975, Delta-Montrose filed with the Commission a pleading entitled "Motion To Dismiss; To Vacate Decision No. 87696; And To Terminate Proceeding." By Decision No. 87819, dated November 25, 1975, the Commission denied the aforesaid Motion filed by Delta-Montrose. In said Decision the Commission ordered Delta-Montrose to file an answer to the complaint of Russell Stover within ten (10) days of the date of that order.

On December 4, 1975, Delta-Montrose filed a "Motion To Quash", whereby it requests the Commission to quash any portion of its Decision No. 87696, dated October 28, 1975, which could be considered an Order To Satisfy or Answer.

Delta-Montrose alleges, for the second time, that the Commission lacks jurisdiction in this matter and is without authority to entertain a complaint concerning reasonableness of rates or charges of electric utilities (such as Delta-Montrose) upon the complaint of a single customer.

CRS 1973, 40-6-108(1)(b) states:

"No complaint shall be entertained by the commission, except upon its own motion, as to the reasonableness of any rates or charges of any gas, electric, water, or telephone public utility, unless the same is signed by the mayor or the president or chairman of the board of trustees or a majority of the council, commission, or other legislative body of the county, city and county, city, or town, if any, within which the alleged violation occurred, or not less than twenty-five customers or prospective customers of such public utility."

Inasmuch as the Commission, by its Decision No. 87696, dated October 28, 1975, elected to treat Russell Stover's pleading entitled "Application for Rehearing, Reconsideration or Reargument" directed to Advice Letter No. 29 as a formal complaint with respect to the tariffs filed by Delta-Montrose under said Advice Letter, and docketed and entertained the same on its own motion, the contentions of Delta-Montrose are without merit. Accordingly, its "Motion To Quash" should be denied.

An Appropriate Order will be entered.

O R D E R

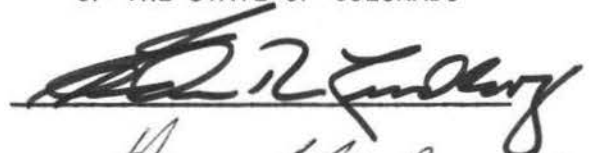


THE COMMISSION ORDERS THAT:

The Motion To Quash filed on December 4, 1975, by Delta-Montrose Rural Power Lines Association be, and the same hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

DISSENT TO: Decision No. 87889
Entered December 9, 1975

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 THE MOUNTAIN STATES)
TELEPHONE AND TELEGRAPH COMPANY UNDER)
ADVICE LETTER NO. 1073.)

INVESTIGATION AND SUSPENSION
DOCKET NO. 930

IN THE MATTER OF THE APPLICATION OF THE)
MOUNTAIN STATES TELEPHONE AND TELEGRAPH)
COMPANY FOR AUTHORITY TO PLACE RATES)
INTO EFFECT ON LESS THAN THIRTY DAYS')
NOTICE.)

APPLICATION NO. 28745
DISSENT TO ORDER DENYING MOTION
FOR REFUND AND MOTION FOR
RECONSIDERATION, REHEARING AND
REARGUMENT.

December 18, 1975

COMMISSIONER HENRY E. ZARLENGO DISSENTING:

I respectfully dissent.

A decision on the matter for refund is premature and will remain so until the Decision of the Commission finding the increased charges authorized to be just and reasonable becomes final. That Decision is still subject to appeal and may be ordered vacated, or to be modified. Until the question of the reasonableness and justness of increases is finally determined by court action, or otherwise, whether the charges be collected by Mountain Bell under and by virtue of Commission Decision No. 87701, or Decision No. 87749, or both, any decision granting a refund of any increased charges could eventually result in the Commission having granted a refund of increases finally determined not to be just and reasonable, or in having denied a refund of increases finally determined to be just and reasonable.

The Petition of the League for Reconsideration, Rehearing And Reargument should be granted and hearing held limited to reargument and reconsideration.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioner
hbp

(Decision No. 87890)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PUBLIC SERVICE COMPANY OF)
COLORADO, 550 - 15TH STREET,)
DENVER, COLORADO, FOR AN ORDER)
AUTHORIZING THE ISSUANCE OF)
SHORT-TERM UNSECURED NOTES TO)
COMMERCIAL BANKS AND TO COMMER-)
CIAL PAPER DEALERS.)

APPLICATION NO. 28779
Securities

- - - - -
December 9, 1975
- - - - -

Appearances: Kelly, Stansfield & O'Donnell,
Denver, Colorado, by
E. A. Stansfield, Esq.,
Denver, Colorado, for Applicant.

PROCEDURE AND RECORD

BY THE COMMISSION:

On November 19, 1975, Public Service Company of Colorado, a Colorado corporation, the Applicant herein, filed the above-entitled application with the Commission requesting an order of this Commission authorizing during the calendar year 1976 the issuance and renewal by Applicant from time to time to commercial banks and to commercial paper investors of not to exceed \$145,000,000 at any one time outstanding, of short-term unsecured promissory notes with maturities not to exceed twelve (12) months from the dates of issuance (herein collectively called "Short-Term Notes") to finance in part Applicant's 1976 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes.

The application was set for hearing after due and proper notice to all interested persons, firms or corporations at 9 A.M. on Tuesday, December 2, 1975, in the hearing room of the Commission, 500 Columbine Building, 1845 Sherman Street, Denver, Colorado, and was there heard by Robert L. Pyle, Supervising Hearing Examiner of the Commission, to whom the matter was assigned pursuant to law. At the conclusion of the hearing the matter was taken under advisement.

No petitions were filed in opposition to the application and no one appeared at the hearing opposing the authority sought in the application.

Applicant's Exhibits A, B, C, D, E and F were admitted into evidence.

FINDINGS OF FACT

From the record herein, the Commission finds as fact that;

1. The Applicant, Public Service Company of Colorado, a Colorado corporation, is a public utility as defined in Section 40-1-103, CRS 1973.

2. Applicant is a public utility operating company subject to the jurisdiction of this Commission engaged principally in the generation, purchase, transmission, distribution and sale of electricity and in the purchase, distribution and sale of natural gas in various areas all within the State of Colorado. Applicant is the owner of all the capital stock of Cheyenne Light, Fuel and Power Company, a Wyoming corporation; Green and Clear Lakes Company, a New York corporation; Western Slope Gas Company, a Colorado corporation; Fuel Resources Development Co., a Colorado corporation; and 1480 Welton, Inc., a Colorado corporation. Applicant also holds controlling interest in four relatively small water and ditch companies, whose operations are not significant and are not consolidated in Applicant's financial or statistical statements.

3. A certified copy of Applicant's Restated Articles of Incorporation, constituting the Articles of Incorporation of Applicant as amended to date, heretofore has been filed with the Commission.

4. This Commission has jurisdiction over Applicant and the subject matter of this application.

5. This Commission is fully advised in the premises.

6. Pursuant to Applicant's Restated Articles of Incorporation, the authorized capital stock of Applicant consists of \$550,000,000 divided into 30,000,000 shares of Common Stock of the par value of \$5 each, 3,000,000 shares of Cumulative Preferred Stock of the par value of \$100 each, and 4,000,000 shares of Cumulative Preferred Stock (\$25) of the par value of \$25 each. At October 31, 1975, there were issued and outstanding 23,186,482 shares of Common Stock. There were issued and outstanding as of September 30, 1975, 1,694,000 shares of its \$100 par value Cumulative Preferred Stock consisting of the various series set forth in its application in this matter. As of December 2, 1975, Applicant had not issued any of its authorized \$25 par value Cumulative Preferred Stock.

7. As of October 31, 1975, the funded indebtedness of Applicant was \$602,800,000 consisting of First Mortgage Bonds issued in various series pursuant to that certain Indenture, dated as of December 1, 1939, between Applicant and Guaranty Trust Company of New York (now Morgan Guaranty Trust Company of New York), as Trustee, as amended and supplemented.

8. Applicant's statement of income and retained earnings for the 12 months ended September 30, 1975 (Applicant's Exhibit D) reflects that Applicant had operating revenues for the period of \$420,643,568 and net income of \$56,042,816.

9. As of December 2, 1975, Applicant had no Short-Term Notes outstanding.

10. The proceeds derived by Applicant from its proposed issuance of Short-Term Notes will be used in part to finance Applicant's 1976 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes.

11. Applicant's pro forma capital structure as of September 30, 1975 giving effect to its issuance and sale of (a) 2,000,000 shares of its Common Stock in October 1975, (b) \$50,000,000 aggregate principal amount of its First Mortgage Bonds, Series due 2005, in October 1975, and (c) the proposed issuance of not to exceed \$145,000,000 at any one time outstanding of Short-Term Notes is 56.4% debt, 13% preferred stock, and 30.6% common stock.

12. The proposed issuance and renewal by Applicant from time to time of not to exceed \$145,000,000 at any one time outstanding of Short-Term Notes to commercial banks and to commercial paper investors for the purpose of obtaining capital to finance in part Applicant's 1976 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes, is reasonably required and necessary for Applicant's proper corporate financing and should be authorized and approved.

13. Applicant's proposed securities transactions are not inconsistent with the public interest, and the purposes for which such securities will be issued or renewed are permitted by, and are consistent with, the provisions of The Public Utilities Laws of Colorado; and

14. Since Section 40-1-104(5), CRS 1973, requires that securities applications be disposed of within thirty (30) days after the filing thereof, the Commission further finds that due and timely execution of its functions imperatively and unavoidably require that the recommended decision of the Hearing Examiner be omitted and that this decision should be the initial decision and order of the Commission.

CONCLUSION

1. Based upon the above and foregoing Findings of Fact, it is the conclusion of the Commission that the authorization as sought in the instant application should be granted.

2. An appropriate Order will be entered.

ORDER

THE COMMISSION ORDERS THAT:

1. For the purpose of obtaining capital to finance Applicant's 1976 construction program, to reimburse Applicant's treasury for moneys to be expended on such program, and for other corporate purposes, the proposed issuance and renewal by Applicant from time to time during the calendar year 1976 of not to exceed \$145,000,000 of short-term unsecured notes at any one time outstanding to commercial banks and to commercial paper investors be, and the same hereby is, authorized and approved.

2. Applicant be, and it hereby is, directed to reflect in its accounts the financing outlined above and to make and record the various accounting entries in accordance with the Uniform System of Accounts prescribed for Public Utilities and Licensees by the Federal Power Commission and adopted by this Commission.

3. Nothing herein contained shall be construed to imply any recommendation or guarantee of, or any obligation with respect to, the securities to be issued by Applicant as herein authorized on the part of the State of Colorado.

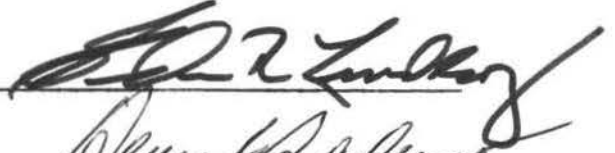
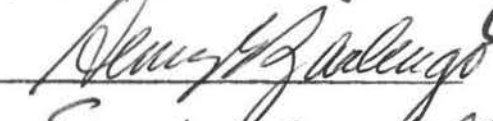

4. The Commission retain jurisdiction of this proceeding to the end that it may make such further order or orders in the premises as to it may seem to be proper or desirable.

5. This Decision and Order shall be the initial Decision and Order of the Commission as provided for in Section 40-6-109(6), CRS 1973, as amended.

6. The authority herein granted shall be exercised from and after the date of this Decision and Order which shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: APPLICATION OF ACME DELIVERY	)	APPLICATION NO. 28831
SERVICE, INC. FOR AUTHORIZATION)	
TO PUBLISH CHANGE IN RATES ON LESS	)	ORDER OF COMMISSION
THAN STATUTORY NOTICE.	)	ALLOWING PUBLICATION ON
	)	LESS THAN STATUTORY NOTICE

December 9, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 4, 1975, Colorado Motor Tariff Bureau, Inc., Agent, for and on behalf of Acme Delivery Service, Inc., Applicant herein, filed a petition requesting to publish the following tariff changes to become effective one day after the filing thereof:

1. Reissue Page 16 of tariff Colo. PUC 2 and provide that the charges published thereon will not apply for Acme Delivery Service, Inc., and
2. For account of Acme Delivery Service, Inc., publish the rates, charges and other provisions shown in Exhibit "A" attached hereto and, by reference, made a part hereof.

Applicant states that with respect to its proposed tariff, changes will be published as a separate item in Colorado Motor Tariff Bureau, Inc., Agent, Tariff No. 3, Colorado PUC No. 2.

Further, Applicant states that increases authorized on Page No. 16, Colorado PUC No. 2, are untimely and feels that they are not in the best interest of Applicant, the industry, and will result in higher charges to the general public.

Applicant seeks authority to publish on less than statutory notice in order to give customers benefit of lower rates.

The Commission states and finds that it will be in the public interest to allow the Applicant to publish the lower rates on less than statutory notice.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS:

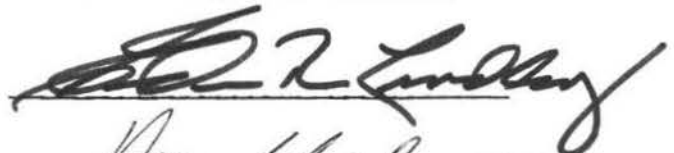
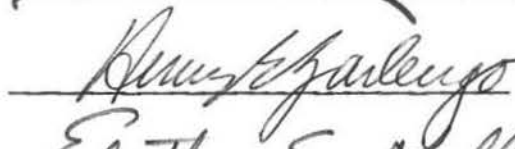

1. That Acme Delivery Service, Inc., be, and hereby is, authorized to publish rates and charges and other provisions shown in Exhibit "A" attached hereto and by reference, made a part hereof.

2. That said publication may be made on less than statutory notice to become effective on one day's notice.

3. This Order shall be effective forthwith.

DONE IN OPEN MEETING this 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

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EXHIBIT "A"

CHARGES ARE SUBJECT TO SUPPLEMENTS 8 AND 10.

COLORADO MOTOR TARIFF BUREAU, INC., AGENT

SECTION 3

GENERAL CARTAGE HOURLY RATES

EQUIPMENT	STRAIGHT TIME	OVERTIME
TRUCK AND DRIVER.....	\$12.75	\$17.20
TRACTOR AND DRIVER - SINGLE AXLE.....	15.60	20.05
TRACTOR AND DRIVER - TANDEM AXLE.....	19.15	23.55
LIFT GATE TRUCK AND DRIVER.....	14.70	18.80
TRAILER ONLY.....	4.20	4.20
HELPERS.....PER MAN.....	10.85	14.95
FOREMAN.....PER MAN.....	11.50	15.60
TRACTOR, TRAILER AND DRIVER - SINGLE AXLE.....	18.50	22.95
TRACTOR, TRAILER AND DRIVER - TANDEM AXLE.....	22.00	26.45

STRAIGHT TIME RATES WILL BE CHARGED FOR ALL HOURS WORKED EXCEPT THOSE PROVIDED FOR IN OVERTIME EXPLANATION BELOW.

OVERTIME RATES WILL BE CHARGED FOR ALL TIME WORKED IN EXCESS OF 8 HOURS PER DAY AND FOR ALL TIME WORKED BEFORE 8:00 A.M., AND AFTER 4:30 P.M., ON WEEK DAYS AND FOR ALL TIME WORKED ON SATURDAYS, SUNDAYS AND THE FOLLOWING HOLIDAYS: NEW YEAR'S DAY, MEMORIAL DAY, JULY 4, LABOR DAY, THANKSGIVING DAY, DECEMBER 24 AND CHRISTMAS DAY.

TIME RATES SHALL INCLUDE DRIVING TIME TO AND FROM THE CARRIER'S GARAGE.

FRACTIONS OF AN HOUR WILL BE CHARGED FOR AS FOLLOWS:

- 1 TO 15 MINUTES - CHARGE WILL BE FOR 15 MINUTES;
- 16 TO 30 MINUTES - CHARGE WILL BE FOR 30 MINUTES;
- 31 TO 45 MINUTES - CHARGE WILL BE FOR 45 MINUTES;
- 46 TO 60 MINUTES - CHARGE WILL BE FOR 60 MINUTES.

STRAIGHT TIME RATES WILL BE SUBJECT TO A MINIMUM CHARGE FOR ONE HOUR.

CALL-OUTS OR SERVICE REQUESTED SPECIFICALLY DURING THE HOURS AND ON THE DAYS DESCRIBED ABOVE AS BEING SUBJECT TO OVERTIME RATES WILL BE FURTHER SUBJECT TO THE CHARGE APPLICABLE FOR A MINIMUM OF FOUR (4) HOURS.

HOURLY RATES PUBLISHED ON THIS PAGE WILL NOT APPLY ON HEAVY COMMODITIES TRANSPORTED BY THE WEICKER TRANSFER & STORAGE COMPANY. SEE THE WEICKER TRANSFER & STORAGE COMPANY, MOTOR FREIGHT TARIFF NO. 3, COLO. P.U.C. NO. 3, OR REISSUES THEREOF, FOR RATES AND CHARGES TO APPLY.

NOTE: WHERE THERE IS A CONFLICT BETWEEN THE CHARGES SHOWN ON THIS PAGE AND THOSE PUBLISHED ON PAGE 17, THE CHARGES ON PAGE 17 WILL APPLY.

FOR EXPLANATION OF SYMBOLS, SEE PAGE 6.

ISSUED:

EFFECTIVE:

(Decision No. 87892)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF TED CARPENTER)
& SON, INC., 2337 SOUTH SHIELDS,)
FORT COLLINS, COLORADO 80521)

CASE NO. 2560-Insurance

- - - - -
December 9, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 4, 1975, Ted Carpenter & Son, Inc., Respondent herein, filed with the Commission a Petition To Rescind, Alter Or Amend Decision No. 87385, dated August 25, 1975.

Respondent states as grounds therefor:

"Ted Carpenter & Son, Inc., is the owner of Certificate of Public Convenience and Necessity issued by this Commission as PUC No. 1017 & I.

"In Decision No. 87385, issued August 25, 1975, Hearing Examiner Robert E. Temmer recommended that PUC No. 1017 & I be revoked unless an appropriate certificate of insurance were to be filed on or before September 25, 1975.

"On September 15, 1975, Respondent requested a stay of the effective date of Decision No. 87385, with respect to Respondent, to and including November 15, 1975. In Decision No. 87548, dated September 30, 1975, the Commission granted the requested stay of effective date.

"On November 12, 1975, Respondent requested a further stay of the effective date of Decision No. 87385, to and including December 15, 1975. In Decision No. 87778, the Commission granted the further stay.

"In 1970, Roy T. Carpenter was granted approval to transfer all of the outstanding capital stock and control in and to "Ted Carpenter & Son, Inc." to Thomas J. Hill and Virgil H. Pugh. Mr. Pugh later sold his shares in the Corporation to Thomas J. Hill, Robert L. Lawson, Donna J. Potts and Bonnie J. Mitchell. Unfortunately, the business did not prosper under its new ownership, and the promissory note to Mr. Carpenter was defaulted. Consequently, in late April of 1975, all of the parties involved reached a mutual agreement whereby all the stock in the Corporation and all of its assets would be returned to Mr. Carpenter in full satisfaction of all obligations.

"The present situation remains the same as it was at the time of filing the Petitions requesting postponement of the effective date of Decision No. 87385, in that the Corporation owns no vehicular equipment and is not conducting for-hire transportation operations. Because of Mr. Carpenter's age and health, he has been unable to operate the business. In fact, on Wednesday, December 3, 1975, the Respondent filed an application to suspend operations under PUC No. 1017 & I for a period of 180 days. The Respondent does not wish to abandon these operating rights, nor to allow them to become dormant, and Applicant certainly does not wish to have them revoked. It is the Respondent's

intention to seek some method by which full operations can again be instituted under these operating rights for the benefit of the public; however, for the time being, Ted Carpenter & Son, Inc. will not be in operation and the lack of an appropriate certificate of insurance cannot possibly have any detrimental effect on the public. There simply is no risk involved. As evidenced by the Respondent's application to suspend operations, Respondent does not intend to conduct any operations unless and until all PUC Rules, Regulations and requirements have been met, including the appropriate certificates of insurance.

"Because of the circumstances of the foreclosure by Mr. Carpenter, and the almost complete failure of the business under Mr. Hill and his associates, Mr. Carpenter has suffered a substantial loss. If the Commission were now to revoke the PUC authority, Mr. Carpenter would, at best, lose more money through attempting to reinstate the authority, or, at worst, would be entirely deprived of any chance to recoup any of his losses through a subsequent sale of the operating rights. It should also be remembered, that it is probably impossible for the Respondent now to obtain a certificate of insurance, because the Respondent does not own any vehicular equipment. Thus, because of the impossibility, or at least the impracticability, of obtaining the requisite insurance, the Respondent is also requesting a complete waiver of the provisions of Rule 11 (insurance) of the Rules and Regulations Governing Common Carriers by Motor Vehicle. The requested waiver should be for a period of time co-extensive with the previously requested suspension period.

"It is respectfully requested that this Commission, pursuant to the express authority contained in C.R.S. 1973, Section 40-6-112, enter its Order amending Decision No. 87385 in the following respects:

Rescinding that portion of the Order contained in Decision No. 87385, which required Ted Carpenter & Son, Inc. to file the required certificate of insurance; and

Waiving the requirement of filing such certificate of insurance until such time as PUC No. 1017 & I is taken out of suspension;

If publication of the requested waiver of the insurance requirements is necessary, Petitioner also requests a further stay of the effective date of Decision No. 87385, until such time as the Commission formally enters its order approving the suspension, and the Commission could, at that time, also enter its order granting complete relief from the provisions of Decision No. 87385, as requested herein."

Based on the foregoing, the Commission states and finds that proper grounds have been shown for granting of the Petition.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The portion of the Order contained in Decision No. 87385, dated August 25, 1975, as pertains to revocation of Certificate of Public Convenience and Necessity PUC No. 1017 & I, of Ted Carpenter & Son, Inc., be, and the same hereby is, rescinded.

2. The portion of the Order contained in Decision No. 87385, dated August 25, 1975, that requires Ted Carpenter & Son, Inc., to file a Certificate of Insurance, be, and the same hereby is, rescinded, pending further Order of the Commission.

3. Except as modified herein, Decision No. 87385 shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
ds

(Decision No. 87893)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF DECISION NO. 87537)	
ENTERED ON SEPTEMBER 25, 1975,)	
REVOKING THE AUTHORITY OF AARON &)	
SANTA FE MOVING & STORAGE CO., INC.,)	
RECORD OWNER OF CERTIFICATES OF)	CASE NO. AR-751
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 3913 AND PUC NO. 3913-I,)	
2338-40 WEST 2ND AVENUE, DENVER,)	
COLORADO 80223.)	

December 9, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

By Recommended Decision No. 87537, dated September 25, 1975, Examiner Thomas M. McCaffrey entered an Order revoking the operating authority of Aaron & Santa Fe Moving & Storage Co., Inc., (hereinafter "Aaron & Santa Fe") 2338-40 West 2nd Avenue, Denver, Colorado 80223, as of the effective date of said Order (October 16, 1975) for failure to file an annual report. On December 5, 1975, Aaron & Santa Fe filed a "Motion To Vacate Decision And To Give Time For Compliance" wherein it requests additional time in which to comply with the requirement of filing the annual report for the year ending December 31, 1974. As grounds therefor, said Motion states:

That Petitioner, Aaron & Santa Fe Moving & Storage Co., Inc., is the record owner of Public Utilities Commission Certificates No. 3913 and 3913-I whose business address is 2338-40 West 2nd Avenue, Denver, Colorado 80223.

Until June 16, 1975, Jeffrey A. Blomberg was the record owner of all of the issued and outstanding stock of Aaron & Santa Fe Moving & Storage Co., Inc.

As of June 16, 1975, James C. Randolph purchased all of the outstanding stock of Aaron & Santa Fe Moving & Storage Co., Inc., was approved by this Commission on July 1, 1975, by Order of the Commission on Application No. 28341-Stock Transfer.

That on date of May 27, 1975, this Commission entered its Order approving the encumbrance of Certificates of Public Convenience and Necessity PUC No. 3913 and 3913-I to the Small Business Administration, an agency of the United States Government, in the sum of \$49,000 in accordance with the terms and conditions set forth in the statement proceeding.

That the time of said transfer, Jeffrey A. Blomberg as Seller, represented to James C. Randolph, as Buyer, that the corporation was in good standing under the laws of the State of Colorado and had all corporate powers necessary to engage in the business in which it was presently engaged, was not in violation of any provisions of law.

In fact, the company had not filed its Annual Report to the Public Utilities Commission of the State of Colorado for the year ending December 31, 1974.

On date of August 26, 1975, Notice to Show Cause as to why the authority of Aaron & Santa Fe Moving & Storage Co., Inc., should not be revoked for failure to file the Annual Report was issued by the Commission, which Notice shows copies to Aaron & Santa Fe Moving & Storage Co., Inc., and to James R. Horton, attorney for the holder of said certificates, but does not show notice going to the Small Business Administration.

On September 19, 1975, a hearing was held before the Commission at which hearing no appearances were made on behalf of the holder of the certificates or the attorney for the holder. On September 25, Decision No. 87537 was issued by the Commission revoking Public Utilities Commission Certificate No. 3913 and 3913's authority and according to the records of the Commission, a copy of the Order was sent to Aaron & Santa Fe Moving & Storage Co., Inc., and James R. Horton, attorney for Aaron & Santa Fe Moving & Storage Co., Inc.

Copies of the Notice to Show Cause and of Decision No. 87537 were in fact not received by either Aaron & Santa Fe Moving & Storage Co., Inc., or by James R. Horton.

That subsequent to the transfer of all the stock from Jeffrey A. Blomberg to James C. Randolph, the said Jeffrey A. Blomberg removed all of the prior books and records of Aaron & Santa Fe Moving & Storage Co., Inc., from the premises and has failed and refused to deliver them back to the business upon demand.

Accordingly, Aaron & Santa Fe Moving & Storage Co., Inc., is without the necessary books and records to complete the Annual Report due April 30, 1975.

Aaron & Santa Fe Moving & Storage Co., Inc., did not learn of Decision No. 87537 until December 4, 1975, at which time the authority of Aaron & Santa Fe Moving & Storage Co., Inc., was checked in regard to a bid made to a governmental agency.

On date of December 5, 1975, Aaron & Santa Fe Moving & Storage Co., Inc., made another demand upon Jeffrey A. Blomberg, for the delivery of the books and records of that company so as to enable them to file the Annual Report ending December 31, 1974.

Under the circumstances, the revocation of Public Utilities Commission Certificates No. 3913 and 3913-I issued in the name of Aaron & Santa Fe Moving & Storage Co., Inc., would be unjust and unequitable.

Good grounds having been shown therefor, the Commission will hereinafter rescind the revocation of the aforesaid authorities and allow an additional sixty (60) days, from the date of this decision, to file the annual report for the period ending December 31, 1974.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

1. The Ordering paragraph 1. of Recommended Decision No. 87537, dated September 25, 1975, revoking the authority of Aaron & Santa Fe Moving & Storage Co., Inc., under Certificate of Public Convenience and Necessity PUC No. 3913 & I be, and the same hereby is, rescinded.

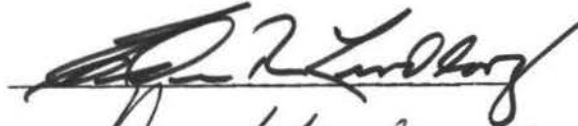


2. Aaron & Santa Fe Moving & Storage Co., Inc., be, and the same hereby is, given an extension of time to and including February 9, 1976, within which to file the annual report for the period ending December 31, 1974.

3. Except as herein modified, Recommended Decision No. 87537 shall remain in full force and effect.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 9th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

dh

(Decision No. 87894)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: MOTOR VEHICLE OPERATIONS OF)	
SCA SERVICES OF COLORADO, INC.,	)	CASE NO. 5641
5820 WEST 56TH AVENUE, ARVADA,)	
COLORADO, UNDER CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	
PUC NO. 5342.)	

- - - - -
December 16, 1975
- - - - -

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

Case No. 5641, which is a show-cause proceeding directed to the motor vehicle operations of SCA Services of Colorado, Inc., Respondent, was instituted on October 28, 1975, and the same was set for hearing on December 16, 1975.

On November 25, 1975, SCA Services of Colorado, Inc., filed a "Petition to Stay Show-Cause Proceedings," which Petition was denied by Decision No. 87854, on December 2, 1975.

On December 3, 1975, SCA Services of Colorado (hereinafter "SCA") filed an "Application For Rehearing, Reargument And/Or Reconsideration" of Decision No. 87854. Rule 14 R of the Commission's Rules of Practice and Procedure states:

"INTERIM ORDERS. The Commission, the individual Commissioner, or Examiner may, during the course of the proceedings and prior to entering a decision or recommended decision, issue written interim orders which shall not be considered of the same nature as a final decision or recommended decision. Such interim order shall not be subject to exceptions or application for a rehearing, reconsideration, or reargument but any party aggrieved thereby may file a written motion to set aside or modify or stay such interim order."

Decision No. 87854 is an interim decision to which an application for rehearing, reargument or reconsideration does not lie. However, the Commission will liberally construe SCA's application as a motion to set aside or modify an interim order. Inasmuch as SCA does not allege any new or different grounds than those alleged in its prior Petition to Stay Show-Cause Proceedings, the instant "Application For Rehearing, Reargument And/Or Reconsideration" which is being treated as a motion to set aside or modify an interim order will be denied.

An appropriate Order will be entered.

O R D E R

THE COMMISSION ORDERS THAT:

The "Application For Rehearing, Reargument And/Or Reconsideration" filed on December 3, 1975, by SCA Services of Colorado, Inc., be, and the same hereby is, construed as a written motion to set aside or modify, or stay the interim Order of the Commission set forth in Decision No. 87854, and as so construed, the same be, and hereby is, denied.

This Order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edythe S. Miller
Commissioners

COMMISSIONER HENRY E. ZARLENGO CONCURRING

COMMISSIONER HENRY E. ZARLENGO CONCURS:

I concur for the reason, however, that the grounds do not support granting the application.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioner

jp

(Decision No. 87895)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)	APPLICATION NO. 28724
OF R. P. WHITTON, DOING BUSINESS)	
AS VAIL COMMUNICATIONS, CO. P. O.)	ORDER GRANTING LEAVE TO INTERVENE
BOX 128, VAIL, COLORADO, FOR A)	
LICENSE TO OPERATE AS A RADIO)	
COMMON CARRIER.)	

December 16, 1975

STATEMENT AND FINDINGS OF FACT

BY THE COMMISSION:

On December 1, 1975, LTS Communications, Inc. filed with the Commission a Petition for Leave to Intervene in the above application.

The Commission states and finds that the above 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

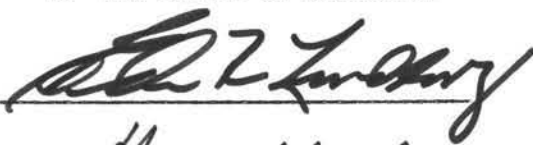


THE COMMISSION ORDERS THAT:

LTS Communications, Inc. be, and hereby is, granted leave to intervene in the above-entitled application.

This order shall be effective forthwith.

DONE IN OPEN MEETING the 16th day of December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)	
THE BOARD OF TRUSTEES OF THE TOWN)	APPLICATION NO. 28616
OF CASTLE ROCK, COLORADO, FOR AUTH-)	
ORITY TO SIGNALIZE THE CROSSING OF)	ORDER OF THOMAS M. McCAFFREY,
THE DENVER AND RIO GRANDE WESTERN)	EXAMINER, CONTINUING HEARING
RAILROAD COMPANY AT SECOND STREET)	
IN CASTLE ROCK, DOUGLAS COUNTY,)	
COLORADO.)	

- - - - -
December 11, 1975
- - - - -

Appearances: George F. Elsner, Esq.,
Town Attorney, Castle
Rock, Colorado, for
Applicant;
John S. Walker, Esq.,
Denver, Colorado, for
The Denver and Rio Grande
Western Railroad Company.

STATEMENT AND FINDINGS OF FACT

BY THE EXAMINER:

Pursuant to notice, the above-titled application was called for hearing on Wednesday, November 26, 1975, at 10 a.m. in the District Courtroom, Douglas County Courthouse, 301 Wilcox, Castle Rock, Colorado.

As a preliminary matter, counsel for Applicant moved to continue the hearing on the stated basis that certain problems had arisen a few days prior to the hearing concerning the unexpectedly high estimated cost of the crossing signalization that is the subject matter of this application. Because of these unanticipated costs, the Town of Castle Rock had not been able to officially determine the proper manner of proceeding on the application, since, unless the matter is satisfactorily resolved with The Denver and Rio Grande Western Railroad, Applicant may not have sufficient funds available to pay its allocated costs. The Denver and Rio Grande Western Railroad Company joined in the Motion for Continuance, stating that additional time was needed to reconsider the cost estimate and to confer with the appropriate officials of the Town of Castle Rock.

For good cause shown, the Examiner granted the Motion for Continuance, stating, however, that, because of the importance of proper signalization at the crossing, the application would be set for further hearing as soon as possible after the 30-day period the parties stated would be necessary to rework the estimate and hopefully resolve the problem.

Based on the above Statement and Findings of Fact, an appropriate Order will be entered.

O R D E R

THE EXAMINER ORDERS THAT:

1. Application No. 28616, being the application of the Board of Trustees of the Town of Castle Rock, Colorado, for authority to signalize the crossing of The Denver and Rio Grande Western Railroad Company at Second Street in Castle Rock, Colorado, be, and hereby is, continued for further hearing to be held on Monday, December 29, 1975, at 10 a.m. in the District Courtroom, Douglas County Courthouse, 301 Wilcox, Castle Rock, Colorado.

2. This Order shall become effective forthwith.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Examiner
jp

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGE IN TIME SCHEDULE NO. 157, RUNS NO. 23 AND NO. 24, PUBLISHED BY CONTINENTAL BUS SYSTEM, INC., RESPONDENT HEREIN, SCHEDULED TO BECOME EFFECTIVE ON SEPTEMBER 7, 1975.	)	INVESTIGATION AND SUSPENSION DOCKET NO. 985
	)	RECOMMENDED DECISION OF ROBERT E. TEMMER, EXAMINER

- - - - -
December 11, 1975
- - - - -

Appearances: John R. Barry, Esq.,
Denver, Colorado,
for Respondent,
Continental Bus
System, Inc.

PROCEDURE AND RECORD

On July 24, 1975, Continental Bus System, Inc., (hereinafter referred to as Respondent) filed 30th Revised Page No. 14 to Time Schedule No. 157. Respondent proposed that these revisions would become effective on September 7, 1975.

The Commission, by Decision No. 87395, issued August 26, 1975, suspended the proposed effective date of the revisions and ordered an investigation into the matter. Said Decision also set the matter for a hearing to be held on November 18, 1975, at 11 a.m. in the District Courtroom, Second Floor, Lake County Courthouse, Leadville, Colorado, and on November 19, 1975, at 9 a.m. in the City Hall Auditorium, 124 "E" Street, Salida, Colorado. Due and proper notice of the hearing was given to all interested persons, firms, or corporations, and the hearing was held by Examiner Robert E. Temmer, to whom the matter was duly assigned.

The testimony of three public witnesses and of the Director of Sales and Agencies for Respondent was taken during the course of the hearing, and Ralph H. Knull of the Staff of this Commission appeared and asked questions in clarification. Exhibits 1 through 3 were marked for identification and all were admitted into evidence. Official notice be, and hereby is, taken of: a letter from Respondent to this Commission dated July 24, 1975, which transmitted 30th Revised Page No. 14 to Local Time Schedule No. 157, signed by Floyd K. Roberts; the Affidavit of R. F. Berndt filed with this Commission on July 28, 1975, and the accompanying Notice; and the letters and Petitions received from members of the public concerning this matter.

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

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Robert E. Temmer now transmits herewith to the Commission the record and exhibits of this proceeding, together with a written recommended decision containing his findings of fact, conclusions thereon, and 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 common carrier transporting passengers and express for hire under authority granted by this Commission and is, therefore, subject to the jurisdiction of this Commission.

2. In this proceeding Respondent did not comply with Ordering Paragraph No. 7 of Decision No. 87395. No objection was raised during the proceeding to the presentation of exhibits or witnesses by the Respondent, and the Respondent was therefore allowed to present testimony and exhibits. In the future Respondent should strictly comply with the requirements of any Order concerning early filing of exhibits, lists of witnesses, and summaries of testimony.

3. Numerous letters of protest and several Petitions were received by this Commission objecting to the proposed revisions Respondent intended to make to Time Schedule No. 157, Runs No. 23 and No. 24. One letter of support was also received by the Commission.

4. Run Nos. 23 and 24 of Local Time Schedule No. 157 now operate between Salida and Frisco, Colorado, via Leadville. Run No. 24 goes from Salida to Frisco. Run No. 23 goes from Frisco to Salida. Run No. 24 currently leaves Salida at 4:30 p.m. and arrives at Frisco at 7 p.m. Run No. 23 currently leaves Frisco at 8:10 p.m. and arrives in Salida at 10:30 p.m. Each run is operated on a 7-day-a-week basis, 365 days a year. The bus for these runs is based in Salida, as is the driver. There are no facilities to service the bus at Salida. Once a week Respondent runs a bus from Denver to Frisco and meets Run No. 24 at Frisco. The bus brought from Denver is then used for Run No. 23, and the bus for Run No. 24 is brought back to Denver for servicing. Frisco is a connecting point so that passengers on Run No. 24 can transfer to other buses on Respondent's system and travel to points east or west of Frisco. Likewise, passengers on Respondent's buses going through Frisco from points east or west can transfer to Run No. 23 and proceed from Frisco to Salida or intermediate points, including Leadville.

5. Respondent proposes to change the existing Time Schedule so that Run No. 24 will leave Salida at 7:30 a.m. and arrive at Frisco at 9:50 a.m. and then will proceed on to Denver, arriving in Denver at about 12:15 p.m. Run No. 24, as proposed, will be run on a 3-day-a-week basis Monday, Wednesday, and Friday. Run No. 23, as proposed, would originate in Denver, instead of Frisco, and would leave Denver at 5 p.m., arrive in Frisco at 7:20 p.m., and proceed on to Salida arriving in Salida at 10:30 p.m. Run No. 23 would also be run three days a week, as proposed, and would operate on Sunday, Tuesday, and Thursday. Thus, the proposed changes would be: to make Run Nos. 23 and 24 through service Salida to Denver and Denver to Salida, instead of requiring a transfer at Frisco; to change service to a 3-day-a-week basis instead of a 7-day-a-week basis; and to change the departure times for Run No. 24 to the morning hours rather than the evening hours.

6. The reasons Respondent proposes to make these changes are to save money in its operations and to provide a through service between Salida and Denver. Run Nos. 23 and 24 have always lost money during the 11 years Respondent's witness was familiar with. Based on the year September 1, 1974, through August 31, 1975, Respondent lost approximately \$19,135 on Run No. 23, and lost approximately \$18,725 on Run No. 24. Respondent's total losses were approximately \$37,860 for that year on these runs. If Respondent's proposal is allowed to go into effect, fuel consumption will be somewhat

reduced, and Respondent will not be required to run a bus out to Frisco to exchange buses for purposes of servicing the bus on the runs, as the bus will travel into Denver and can be serviced before it goes back to Salida. Fuel could be purchased at Denver rather than Salida, and this would allow Respondent to realize some savings. Under the proposed system, the bus will be traveling 206 fewer miles a week, which will save Respondent approximately \$107 a week, or approximately \$5,500 a year, on a mileage basis.

7. Respondent has made similar changes to Time Schedules in other situations, and it has helped improve the efficiency of operations and ridership. Respondent conducted an informal survey of people in the area and found they would like through service to Denver.

8. During the year September 1, 1974, through August 31, 1975, 2,693 people rode Run No. 23 with a low of 157 passengers during May of 1975 and a high of 299 passengers during March of 1975. The average number of passengers per trip ranged from a low of 5.1 passengers per trip in May of 1975 to highs of 9.6 passengers per trip occurring in March of 1975 and December of 1974. For the entire year there was an average of 7.4 passengers per trip on Run No. 23 based on the fact that there were 2,693 passengers for 365 trips. For Run No. 24 there were 2,896 passengers for the year mentioned above with a low of 164 passengers during May of 1975 and a high of 359 passengers during March of 1975. The average number of passengers per trip ranged from a high of 11.6 occurring in March of 1975 and a low of 5.3 occurring in May of 1975. For the entire year the average number of passengers per trip was 7.9 based on the fact there were 2,896 passengers for 365 trips. All of Respondent's buses are 46-passenger buses. On the average, the buses on these runs are less than one-quarter full.

9. If the proposal is allowed to go into effect on three days a week, residents in Leadville could travel to Frisco and transfer to buses on Respondent's system for points west and/or could go on into Denver. On three other days during the week people in Leadville could leave Leadville and travel to Salida and transfer to other buses for points east or west. This would not be as convenient for residents of Leadville because, for example, if they wanted to get to Denver on a particular day that the bus was going through Leadville to Salida, they would have to go to Salida and make connections for Denver, which would take longer and cost more money.

10. The objections brought to the attention of the Commission include: difficulty with shipments of packages that would result because of the reduced number of runs; loss of Saturday service; and time problems that would be encountered in making trips.

UPS (United Parcel Service) provides service to the area in question, as well as Rio Grande Motor Way, Inc. Thus, the area will not be left without service if the changes go into effect.

Under the present schedules, it is not possible to get from Leadville to Denver and back in the same day, and so the proposed changes would not cause people to incur any extra overnight expenses.

Some of the people who have submitted their views to the Commission have suggested that they would like better service. The only concrete suggestion for this would be "in and out" service on the same day. This would greatly increase the costs of providing service.

Saturday service seems to be needed, and Saturday service could be provided by changing Run No. 24 from Monday-Wednesday-Friday service to Monday-Wednesday-Saturday service.

11. Respondent has complied with all notice requirements of the rules and regulations of this Commission and of the statutes of the State of Colorado.

CONCLUSIONS ON FINDINGS OF FACT

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

1. The revisions to Local Time Schedule No. 157 proposed by 30th Revised Page No. 14, under suspension herein, are just and reasonable and should be allowed to become effective, except that Run No. 24 should be changed so that it operates Monday, Wednesday, and Saturday rather than Monday, Wednesday, and Friday.

2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.

O R D E R

THE COMMISSION ORDERS THAT:

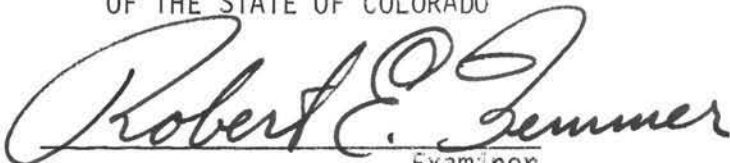
1. 30th Revised Page No. 14 to Time Schedule No. 157 filed by Continental Bus System, Inc., on July 24, 1975, be, and hereby is, canceled.

2. Continental Bus System, Inc., shall file 32nd Revised Page No. 14 to Local Time Schedule No. 157 canceling 31st Revised Page No. 14, and said 32nd Revised Page No. 14 shall be in the same form and contain the same schedules as 30th Revised Page No. 14 with the exception that Run No. 24 shall be operated on Monday, Wednesday, and Saturday rather than Monday, Wednesday, and Friday. Said tariff page shall be filed on one (1) day's notice.

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 40-6-109, CRS 1973, 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 40-6-114, CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

dh

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: CHANGE IN TIME SCHEDULE NO.)	
157, RUNS NO. 23 AND NO. 24,	)	INVESTIGATION AND SUSPENSION
PUBLISHED BY CONTINENTAL BUS	)	DOCKET NO. 985
SYSTEM, INC., RESPONDENT HEREIN,)	
SCHEDULED TO BECOME EFFECTIVE ON	)	ERRATA NOTICE
SEPTEMBER 7, 1975.)	

December 16, 1975

Decision No. 87897
(Issued December 11, 1975)

Page 3, last paragraph, last line, should read:

"Monday-Thursday-Saturday service."

Page 4, Conclusion 1., last two lines should read:

"be changed so that it operates Monday, Thursday, and Saturday,
and Run No. 23 should be changed so that it operates on Sunday,
Wednesday, and Friday."

Page 4, Ordering Paragraph 2, last three lines should read:

"No. 24 shall be operated on Monday, Thursday, and Saturday,
and Run No. 23 shall be operated on Sunday, Wednesday, and
Friday. Said tariff page shall be filed on one (1) day's
notice, and shall state the effective date thereon, and
refer to the authority of this Decision."

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


HARRY A. GALLIGAN, JR.,
Executive Secretary

Dated at Denver, Colorado, this
16th day of December, 1975.

ds/rw

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
YELLOW CAB, INC., 3455 RINGSBY COURT,)
DENVER, COLORADO, FOR ABANDONMENT)
OF A PORTION OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 2204 AND 2204-I.)

APPLICATION NO. 28713-Abandonment
Portion

IN THE MATTER OF THE APPLICATION OF)
YELLOW CAB, INC., 3455 RINGSBY COURT,)
DENVER, COLORADO, FOR ABANDONMENT)
OF A PORTION OF CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY)
PUC NO. 2378 AND 2378-I.)

APPLICATION NO. 28714-Abandonment
Portion

ORDER OF THE COMMISSION

December 16, 1975

Appearances: Walter M. Simon, Esq. and Harlan G. Balaban, Esq.
Denver, Colorado
Attorneys for Applicant

IT APPEARING, That by Notice of the Commission dated October 22, 1975, notice of the filing of the above-entitled applications was given to all interested persons, firms and corporations pursuant to CRS 1973, 40-6-108 (2);

IT FURTHER APPEARING, That no protests, objections or petitions to intervene or otherwise participate in these proceedings have been filed by any person within the time prescribed by the Commission in said Notice, and that the herein proceedings are therefore noncontested and unopposed;

IT FURTHER APPEARING, That pursuant to CRS 1973, 40-6-109 (5) the herein matters may properly be determined without the necessity of a formal oral hearing and that the taking of evidence in these proceedings should be by reference to the verified applications as filed with the Commission together with such additional information or data as may have been required of Applicant in connection with said filings, and the files and records of the Commission;

AND IT FURTHER APPEARING, That the herein matters are applications to abandon that portion of Certificates of Public Convenience and Necessity PUC No. 2204 and 2204-I and PUC No. 2378 and 2378-I lying outside a sixteen (16) mile radius of 16th and Champa Streets, Denver, Colorado.

Wherefore, and good cause appearing therefor:

WE FIND, That said applications to abandon that portion of the operating radius as authorized under Certificates of Public Convenience and Necessity PUC No. 2204 and 2204-I and PUC No. 2378 and 2378-I as hereinabove set forth is compatible with the public interest and an appropriate Order will be entered; and

IT IS ORDERED, That Yellow Cab, Inc., 3455 Ringsby Court, Denver, Colorado, be, and hereby is, authorized to abandon that portion of their operating radius lying outside a sixteen (16) mile radius of 16th and Champa Streets, Denver, Colorado, as set forth in Certificates of Public Convenience and Necessity PUC No. 2204 and 2204-I and PUC No. 2378 and 2378-I, as hereinabove set forth, and the same hereby is, cancelled and revoked.

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2204 and 2204-I as herein authorized shall read and be as follows, to-wit:

"Transportation -- by taxicab -- of

- (1) Passengers and their personal baggage

From point to point within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado, and to and from said area, from and to all points in the State of Colorado.

- (2) Packages, parcels, baggage, messages, letters, papers, and documents

From point to point within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado.

- (3) Packages, parcels, baggage, messages, letters, papers, and documents

From the area within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado, to all points in the State of Colorado.

RESTRICTIONS:

- (a) Items (2) and (3) of this Certificate are restricted as follows:

- (1) Restricted against transportation of items that exceed fifty (50) pounds;

- (2) Each delivery from point of origin to point of destination shall be charged as though one passenger was transported in addition to the extra charge made for leaving the vehicle to pick up or deliver such item;

- (b) Item (3) is restricted to one shipment per cab.

- (c) All operations under this Certificate shall be limited to the use of two hundred twelve (212) cabs.

- (4) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only, subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

IT IS FURTHER ORDERED, That henceforth the full and complete authority under Certificate of Public Convenience and Necessity PUC No. 2378 and 2378-I as herein authorized shall read and be as follows, to-wit:

"(1) Transportation -- by taxicab -- of

Passengers and their personal baggage

From point to point within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado, and to and from said area, from and to all points in the State of Colorado.

(2) Transportation -- by taxicab -- of

Packages, parcels, baggage, messages, letters, papers and documents

From point to point within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado.

(3) Transportation -- by taxicab -- of

Packages, parcels, baggage, messages, letters, papers, and documents

From the area within a radius of sixteen (16) miles of 16th and Champa Streets, Denver, Colorado, to all points in the State of Colorado.

RESTRICTIONS:

(a) Items (2) and (3) of this Certificate are restricted as follows:

(1) Restricted against transportation of items that exceed fifty (50) pounds;

(2) Each delivery from point of origin to point of destination shall be charged as though one passenger was transported in addition to the extra charge made for leaving the vehicles to pick or deliver such item;

(b) Item (3) is restricted to one shipment per cab.

(c) All operations under this Certificate shall be limited to the use of one hundred eleven (111) cabs.

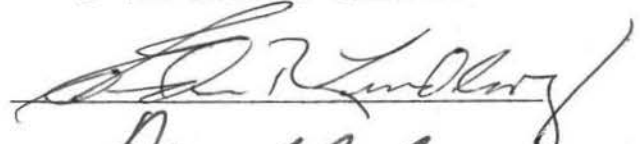
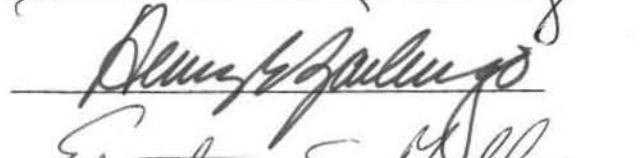

(4) Authority to use equipment in the State of Colorado as a Common Interstate Carrier between all points in the State of Colorado and the Colorado state boundary lines where all highways cross same in interstate commerce, only subject to the provisions of the Federal Motor Carrier Act of 1935, as amended."

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.

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 December, 1975.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners
md

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE: TARIFF FILING OF RESPONDENT,)	CASE NO. 5627
MIDWEST DEVELOPMENT CO., DOING)	
BUSINESS AS "BIG MAC DISPOSAL)	RECOMMENDED DECISION OF
SERVICE," P. O. BOX 8, COLORADO)	THOMAS M. McCAFFREY, EXAMINER
SPRINGS, COLORADO, IN TARIFF NO.)	
2, COLORADO PUC NO. 2, UNDER)	DISMISSING CASE
CERTIFICATE OF PUBLIC CONVEN-)	
IENCE AND NECESSITY PUC NO. 2573.)	

- - - - -
December 15, 1975
- - - - -

Appearances: C. H. McAllister, Colorado
Springs, Colorado, pro se,
Respondent;
Lloyd C. Espinosa, Denver,
Colorado, of the Staff of
the Commission.

STATEMENT AND FINDINGS OF FACT

On September 16, 1975, in Decision No. 87499 this Commission issued an Order to Show Cause and Notice of Hearing to Midwest Development Co., doing business as "Big Mac Disposal Service," Respondent, wherein it was stated that the Staff of the Commission had conducted an investigation into the tariff filings of Respondent and found that said tariff filings may be in violation of the law of the State of Colorado governing public utilities and the rules and regulations of the Commission by:

1. Filing rates for commercial container services which may be unjust and unreasonable in violation of Section 40-3-101, CRS 1973;
2. Filing rates for commercial container services which may establish or maintain unreasonable differences in rates or charges between classes of service in violation of Section 40-3-106, CRS 1973.

In the aforesaid Decision, the Commission also stated that pursuant to Section 24-4-104(3), CRS 1973, the Secretary of the Commission had sent a letter to Respondent giving notice of facts or conduct that may warrant action by the Commission suspending, revoking, altering or amending Certificate of Public Convenience and Necessity PUC No. 2573 and affording the Respondent opportunity to submit written data, views, and arguments with respect to such facts or conduct. On September 10, 1975, Respondent, by letter, responded to the Secretary's letter, setting forth Respondent's views and arguments with respect to the proposed Show Cause.

The Commission set the matter for hearing on December 5, 1975, at 10 a.m. in the Conference Room 236, Judicial Building, 20 East Vermijo, Colorado Springs, Colorado. The case was called for hearing at the scheduled time in Room 236 of the Judicial Building in Colorado Springs, Colorado, by Thomas M. McCaffrey, Examiner, to whom the matter had been duly assigned for hearing.

As a preliminary matter, Mr. Lloyd C. Espinosa of the Staff of the Commission stated that Respondent had discussed the subject matter of this proceeding at length with various members of the Commission Staff to correct and resolve the allegedly illegal tariff filings. Mr. Espinosa further stated that Respondent had agreed to work with the Staff of the Commission and abide by the applicable laws, rules, and regulations so as to establish just, reasonable, and nondiscriminatory rates in its tariff filing. After hearing statements of Staff and the Respondent, the Examiner, upon the recommendation of Staff, dismissed the Show Cause Order against Respondent.

Pursuant to the provisions of 40-6-109, CRS 1973, Examiner Thomas M. McCaffrey now transmits herewith to the Commission the record of this proceeding, together with his recommended decision.

CONCLUSIONS ON FINDINGS OF FACT

Based on the above Statement and Findings of Fact, it is concluded that:

1. Case No. 5627 should be dismissed.
2. Pursuant to 40-6-109, CRS 1973, it is recommended by the Examiner that the following Order be entered.


O R D E R

THE COMMISSION ORDERS THAT:

1. Case No. 5627, being an Order to Show Cause issued to Midwest Development Co., doing business as "Big Mac Disposal Service," P. O. Box 8, Colorado Springs, Colorado, 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 40-6-109, CRS 1973, 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 40-6-114,
CRS 1973.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Examiner

dh