

Public Utilities Commission

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
R. J. VENETTE, LAFAYETTE, COLORADO,
FOR A CLASS "B" PERMIT TO OPERATE
AS A PRIVATE CARRIER BY MOTOR VEHIC-
LE FOR HIRE.

APPLICATION NO. 3428-PP

August 24, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Assn;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

R. J. Venette of Lafayette, Colorado seeks a Class B permit with authority to transport coal and grain only between points within a ten mile radius of his farm home located five miles south of Lafayette, Colorado, most of which transportation service will be rendered for the Lafayette Mill and Elevator Company. No objections were interposed to the granting of the permit and the financial standing and reliability of applicant were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That R. J. Venette of Lafayette, Colorado, be and he hereby is granted a class B permit to operate as a private carrier by motor vehicle for hire for the transportation of coal and grain from point to point within a radius of 10 miles of his farm home located five miles south of Lafayette, Colorado, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Deane

W. C. Danks

William E. Erickson
Commissioners.

Dated at Denver, Colorado
this 24th day of August, 1936.

CONTROL
25

(Decision No. 8324)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
ARLEIGH ST. CLAIR.)

CASE NO. 1738

August 24, 1936.

Appearances: Mr. Arleigh St. Clair, New Raymer, Colorado,
pro se;
Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, Decision No. 7824, a show cause order was issued against Arleigh St. Clair, holder of permit No. A-666, for a violation of the rules and regulations of the Commission in not filing a list of customers, reporting his equipment and keeping on file the necessary insurance.

At the hearing, the respondent stated that he lived out in the country, had never received any communication from the Commission advising him of the requirements and that he knew nothing about the violation until receiving a copy of the show cause order. Respondent stated that he did have insurance but had been unable to pay a renewal premium and for that reason was without insurance at the present time. He further stated that if the matter was held in abeyance for a couple of weeks, he felt he would be able to take care of all of the items, including the necessary insurance.

The records show that at the present time the respondent has filed the necessary insurance, has made a return of his equipment and filed a list of his customers.

After careful consideration of the record the Commission is of the opinion and finds that the respondent having complied with all the rules and regulations of the Commission, he is not at this time in default and that the show cause order should be dismissed, with a warning to respondent that hereafter he must be more diligent in complying with the law and our rules and

regulations.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is
bereby dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. C. Danks

W. L. Simpson

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
LEE L. PREWETT.)

CASE NO. 1813

August 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-1034 should not be suspended or revoked for his failure to file with the Commission the required insurance and a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-1034, heretofore issued to Lee L. Prewett, should be, and the same is hereby, revoked for failure to file insurance and description of his equipment.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Walter E. Quinn

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
M. B. KELLEY.)

CASE NO. 1814 ✓

August 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-1035 should not be suspended or revoked for his failure to make monthly highway compensation tax reports since October, 1935, and for his failure to file a description of his equipment.

The evidence disclosed that the above delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-1035, heretofore issued to M. B. Kelley, be, and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Steele

W. D. Danks

W. E. Swinson

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

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(Decision No. 8328)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF R. G. BAKER.)

CASE NO. 1815 ✓

August 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-1049-I should not be suspended or revoked for his failure to make monthly reports since October, 1935, and for his failure to file the required insurance and a description of his equipment.

The evidence disclosed that the above delinquencies had been satisfied.

After a careful consideration of the record, the Commission is of the opinion and finds that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Pollock
W. H. Danks
Wm. E. ...
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

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(Decision No. 8329)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
W. S. LYDAY.)

CASE NO. 1816 ✓

August 24, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-1051 should not be suspended or revoked for his failure to make highway compensation tax reports for the period January 1, 1936, to date of said order, and for his failure to file the necessary insurance and description of his equipment.

The evidence disclosed that respondent had filed reports for the months of April and May, 1936, but not for January, February, March and June, 1936. The evidence further disclosed that no effective insurance was on file and that respondent had not furnished the Commission with a description of his equipment.

After careful consideration of the record, the Commission is of the opinion, and so finds, that said permit should be revoked on account of the aforementioned delinquencies.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-1051, heretofore issued to W. S. Lyday, be, and the same is hereby, revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. E. Pollock
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Maen Nixon
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE APPLICATION OF HIGHLAND UTILITIES)
COMPANY PERTAINING TO ITS SERVICE AT)
KIT CARSON, COLORADO.)

APPLICATION NO. 2396
SUPPLEMENTAL APPLICATION
FOR ABANDONMENT.

August 24, 1936

Appearances: Lowell D. Hunt, Esq., Denver, Colorado,
attorney for applicant.

S T A T E M E N T

By the Commission:

On June 4, 1935, the Highland Utilities Company, applicant in the instant matter, filed its application for leave to withdraw and abandon its service to the citizens of the Town of Kit Carson, or in the alternative that said applicant be permitted to put into effect certain rates set forth in said application. Thereafter, the Commission held a hearing upon said application, and on September 9, 1935, rendered its decision authorizing applicant, effective October 1, 1935, to put into effect a certain schedule of rates, in said order more specifically set forth.

It was further provided in said order of September 9, 1935, "That jurisdiction of the instant case be, and the same is hereby, retained to the end that such further order or orders may be entered herein as may be required in connection with applicant's petition to abandon service after a reasonable trial period under the above proposed schedule of rates and the effect of same upon applicant's revenue can be determined".

Thereafter, on May 26, 1936, applicant filed its supplemental application for abandonment, wherein it is set forth that although said new schedule of rates had been in effect for over six months, it was apparent that same brought forth practically no increase in net revenues, and said property was still being operated at a loss, and applicant sought permission to withdraw its service in said Town of Kit Carson and to dismantle its plant and distribution system and remove same from said town.

Notice of said supplemental application for abandonment was duly served upon the Mayor of the Town of Kit Carson, as well as the Board of County Commissioners of Cheyenne County, Colorado, and the matter was set down for hearing before the Commission at its Hearing Room in Denver, Colorado, on August 13, 1936.

The said Town of Kit Carson filed a written answer to said supplemental application, wherein it is set forth that said town consents to said abandonment without contest if the time for such withdrawal for serving the town be not earlier than October 1, 1936, and preferably as late as October 15, 1936.

At the hearing upon said supplemental petition to abandon, applicant introduced evidence showing a comparison of revenues and expenses before and after the rate increase granted, effective October 1, 1935. These exhibits disclosed that for the nine months period ending June 30, 1936, operating revenues amounted to the sum of \$2,824.17, compared with operating revenues of \$2,673.73 for the nine months period ending June 30, 1935. For the same nine months period ending June 30, 1936, operating expenses were \$3,591.70, compared with the sum of \$3,996.12 for the period ending June 30, 1935. The average number of meters in use was 55 for the nine months period ending June 30, 1936, as compared with 67 for the nine months period ending June 30, 1935. Net revenue before depreciation for the nine months period ending June 30, 1936, shows a loss of \$767.53, as compared with a loss of \$1,322.39 for the nine months period ending June 30, 1935.

It is apparent from this record that the effect of the rate increase of October 1, 1935, which practically doubled the rates heretofore charged by applicant, failed to increase its operating revenues to any appreciable extent.

It is further apparent that to compel applicant to continue to furnish service at Kit Carson would, in effect, be confiscation of its property. It is fundamental that a utility may not be required indefinitely to render service at a loss, but in any event we need not pass upon these questions in view of the fact that the Town of Kit Carson, speaking through its duly authorized officers, has consented to the withdrawal of applicant from said community.

Applicant requested at the hearing that if an order of withdrawal were granted, same should be allowed at the earliest possible moment. However, we do not believe that the request of the town that withdrawal be not permitted prior to October 1, 1936, is unreasonable in view of all the facts and circumstances in

connection with the instant application.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the present and future public convenience and necessity permit the abandonment by the Highland Utilities Company, a corporation, of its service in the Town of Kit Carson, Colorado, and that it be authorized to dismantle its plant and distribution system therein and remove same from said town, effective October 1, 1936.

O R D E R

IT IS THEREFORE ORDERED, That, effective on and after October 1, 1936, the present and future public convenience and necessity permit the Highland Utilities Company, a Colorado corporation, to abandon and withdraw its service in the Town of Kit Carson, Colorado, and to dismantle its plant and distribution system and remove the same from said town, and this order shall be taken, deemed and held to be a certificate of authority for such action.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. H. Dwyer

Max E. Eickson

Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

CONTROL
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(Decision No. 8331)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
I. W. BAWDEN.)

CASE NO. 1753

August 24, 1936.

S T A T E M E N T

By the Commission:

On August 5, 1936, in Decision No. 8210, the Commission revoked Permit No. A-702, issued to I. W. Bawden, for his failure to keep on file with the Commission the necessary insurance as required by the rules and regulations of the Commission.

It now appears from information furnished by A. L. Kendig of the Farmer's State Bank of Burns, Wyoming, that the applicant made arrangements for his insurance and that the same had been in effect since April 11, 1936, but that the Home Insurance Company, which company issued the policy, did not understand what was necessary to comply with the rules and regulations of the Commission and did not perfect the record as directed by the applicant.

After careful consideration of the record, the Commission is of the opinion and finds that the order above referred to should be set aside and Permit No. A-702 reinstated, inasmuch as the respondent has now complied with all rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the order dated August 5, 1936, contained in Decision No. 8210, be, and the same is hereby, set aside and Permit No. A-702 be, and the same is hereby reinstated as of August 5, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
John Danks
Harold Finson
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
R. H. CUMLEY OF WRAY, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3375-PP

B-1-2-1

August 24, 1936.

Appearances: Murray Owenby, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing at the Court House at Wray, Colorado, August 4, 1936, at which time and place applicant failed to appear. However, it was stated by the representative of The Colorado Trucking Association that this application being for a farm service, there was no objection to the issuance of a permit limited to a radius of 15 miles around Wray, Colorado.

After careful consideration of the application and the statement of protestant, the Commission is of the opinion and finds that the application should be granted, limited as above indicated.

O R D E R

IT IS THEREFORE ORDERED, That R. H. Cumley, of Wray, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, in the conduct of a farm service, for the transportation of farm products (no live stock) and farm supplies between farms situated within a 15-mile radius of Wray, Colorado, and mills, elevators and towns situated within said area, all for customers residing therein.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. [unclear]

W. D. [unclear]

[unclear] [unclear]
Commissioners.

Dated at Denver, Colorado,
this 24th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
HAYDEN TRANSFER COMPANY TO OPERATE
TRUCK LINE SERVICE BETWEEN HAYDEN AND
STEAMBOAT SPRINGS AND HAYDEN AND CRAIG
AND ANYWHERE IN ROUTT OR MOFFAT COUNTY
WITHIN A 100-MILE RADIUS.

APPLICATION NO. 3368

August 25, 1936

Appearances: F. A. Videon, Esq., Hayden, Colorado, for
the applicant;
J. F. Meador, Esq., Craig, Colorado, for
The Comet Motor Express;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn., Leonard
Gray and McLean Truck Line;
E. M. Harris, Steamboat Springs, Colorado,
for Larson Transportation Company.

S T A T E M E N T

By the Commission:

On June 24, 1936, the Hayden Transfer Company, a corporation organized under the laws of the State of Colorado, filed its application for a certificate of public convenience and necessity. This application mentioned a 100 mile radius around Hayden, Colorado, to which particular item protests were directed. At the hearing W. H. Kleckner, President and Manager of the Company testified that the Company and its predecessor had been conducting a general transfer business in the town of Hayden and vicinity for the past twenty-two years, that the Company held a contract with the Post Office Department to transfer mail from the railroad depot to the Post Office; that his Company had been moving freight from the depot at Hayden to stores and to the farmers in the immediate vicinity of Hayden for many years last past; and that he and the Transfer Company had moved farm products, livestock, coal, farm supplies and farm equipment for farmers and ranchers in the immediate vicinity of Hayden by truck since 1924, and previous thereto, or from 1914, did most of this work, including the transfer of mail, by team.

It appeared that the applicant, together with Mr. W. H. Kleckner, its present Manager had been serving every business house in Hayden, the hospital,

schools, elevator, as well as residents of Hayden, since 1914.

The applicant sought no authority to conduct a line transportation service in competition with the Larson Transportation Company or the Comet Motor Express.

After conference with protestants it was agreed that the originating area to be served by the applicant might be described by the Commission as all of that part of Routt County lying west of the east boundary line of Range 86 and that in addition thereto applicant might be authorized to transport any freight which the County Commissioners of Routt County might engage it to move to any part of Williams Fork, and that it might have full authority to serve the requirements of Wilson Cary, who resides outside of that portion of Routt County above described.

W. H. Kleckner testified that there was a public demand for applicant's services as heretofore performed in addition to the transfer and cartage in the Town of Hayden.

The following were sworn as witnesses for the applicant: J. H. Sommers, Karl Brunt, Mervin Hoffstetter, Jack Mills and Ernest Wagner.

It was stipulated that the above named, if questioned, would testify to the public convenience and necessity of the services heretofore rendered by the applicant, and as proposed to be rendered in the future.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle operations of the applicant, the Hayden Transfer Company, and that as limited by the evidence, a certificate should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operations of the Hayden Transfer Company, a Colorado Corporation, (for the continuance of its general cartage and transfer business in the Town of Hayden; for the transportation of farm products, including livestock, farm supplies and farm equipment, including furniture, between ranches, farms and mines situated in that part of Routt County lying west of the eastern boundary

line of Range 86, and Hayden, Steamboat, Craig and railroad loading points within said area, and to points outside of said area for customers residing therein; and for the transportation of such freight as the County Commissioners of Routt County may order the applicant to transport to what is known as Williams Fork, and for the transportation of such freight as Wilson Cary may require in connection with his ranch operations, provided however that the applicant will not engage in any transportation service of a competitive character along the route of scheduled common carriers now serving this area, without first obtaining the consent of the line carrier involved,) and this order shall be taken, deemed and held to be a certificate of convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. L. Danks

Wm. E. Danks
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE MOTOR VEHICLE OPERATIONS)

OF E. C. EDWARDS, LONGMONT, COLO.)

APPLICATION NO. 1812

August 25, 1936

S T A T E M E N T

By the Commission:

On April 16, 1932, Application No. 1812, Decision No. 4241, the Commission granted certificate of public convenience and necessity No. 635 to E. C. Edwards.

The Commission is in receipt of a communication signed by the applicant who has disposed of his equipment and discontinued the trucking business, requesting the cancellation of his Certificate No. 635.

After careful consideration of the record and the request above referred to, the Commission is of the opinion that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 635 heretofore issued to E. C. Edwards, be and the same hereby is revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. H. Danks

Walter J. Swenson

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. H. READ OF LAFAYETTE, COLORADO, FOR)
A CLASS B PERMIT TO OPERATE AS A PRI-)
VATE CARRIER BY MOTOR VEHICLE FOR HIRE.)

CONTROL
B-1641
APPLICATION NO. 3416-PP

August 25, 1936

Appearances: J. H. Read, Lafayette, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Assn;
R. Schofield, Lafayette, Colorado, for
Schofield Bros.

S T A T E M E N T

By the Commission:

The applicant herein applies for authority to do general trucking within a radius of 20 miles of Lafayette, Colorado. It was disclosed from the testimony given at the hearing that the applicant runs a filling station at Lafayette, and from a signed statement to which is attached about fifty names, Mr. Read looks after the coal and wood hauls of most of the people of Lafayette. He was given temporary authority to move wheat during the threshing season and stated that the wheat movements were within a radius of about five miles of Lafayette, that he desired to haul farm products from a radius of ten miles, as well as used furniture for miners and others within a radius of ten miles of Lafayette.

Mr. R. Schofield, representing Schofield Brothers, holders of Certificate No. 616 stated that in addition to the conduct of their milk route that they utilize some four trucks and are in a position to move farm products as well as other commodities within the area sought by the applicant. However, it did not affirmatively appear that the proposed operation of applicant would materially interfere with said common carrier operation.

After careful consideration of the record, the testimony given at the hearing and the signed statement of fifty residents of Lafayette, the Commission is of the opinion and finds that authority should be given to the applicant to

transport coal, wood, and farm products within a 5~~6~~ mile radius of Lafayette, and to do a general cartage business in Lafayette.

O R D E R

IT IS THEREFORE ORDERED, That J. H. Read, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the conduct of a general cartage business in Lafayette; the transportation of farm products, farm supplies and used furniture from point to point within a radius of five miles of Lafayette, Colorado, and for the transportation of coal from mines in the northern Colorado coal fields to users in the said area and wood from forests to customers in the above described Lafayette area, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dwyer

W. H. Danks

Walter E. Smith
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CONTROL *js*

IN THE MATTER OF THE APPLICATION OF)
JACOB STROH AND REUBEN STROH FOR A)
CLASS B PERMIT TO OPERATE AS PRIVATE)
CARRIERS BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3304-PP
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August 25, 1936

Appearances: W. R. Baab, Esq., Greeley, Colorado, for
applicants;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn;
Winston S. Howard, Esq., Denver, Colorado,
for Colorado Livestock Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

In the above application, an amendment was offered to the application, limiting the customers to be served to one, the Kersey Lumber Company, and the commodities to be transported to cement, lumber and coal for this Company; cement from the Boettcher plant at Boettcher, and plaster from the mill near Loveland, and lumber, coal and building materials from the Kersey Lumber Company yard, to their customers in the vicinity of Kersey.

After this amendment was presented by Attorney for the applicants, all objections were withdrawn to the issuance of a permit.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the amendment and the testimony given at the hearing, that the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Jacob Stroh and Reuben Stroh, doing business as Jacob Stroh and Son of Kersey, Colorado, be and they hereby are granted a Class B permit to operate as private carriers by motor vehicle for the transportation of lumber, building supplies and coal from the yards of the Kersey Lumber Company at Kersey, Colorado, to customers of said lumber company, within a radius of ten miles of Kersey; cement from the cement plant at Boettcher to Kersey,

Colorado, and plaster from the mill near Loveland to Kersey, Colorado, all of which services are to be rendered for one customer only, the Kersey Lumber Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Owens

W. D. Owens

W. A. Owens
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION of)
SARA JACK STOCKON OF BOULDER FOR A)
CLASS B PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3410-PP

August 25, 1936

Appearances: Marion F. Jones, Esq., for the applicant,
Norman Rhyno and Colorado Trucking Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

From the testimony given at the hearing it appeared that the applicant and her husband possess a 1935 Ford V-8 dump truck and are the successful bidders for one contract for the hauling of rock and sand for the construction of a public building, and are entering a bid for another similar contract for the Colorado State University, which Institution is erecting another building. The operations proposed to be conducted by the applicants would involve the movement of such material from the Jacobsen Quarry, 2 miles north of Boulder to the high school in the City of Boulder, the other being a movement from a quarry situated approximately 10 miles north of Boulder, to the University grounds.

The testimony disclosed that none of the authorized truckers in the Boulder area possess a dump truck, unless it would be Norman Rhyno who said that he did possess a dump truck that could be used in such an operation but that to date the price paid for such work was rather low and he had made no effort to get such contracts.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Sara Jack Stockon, Boulder, Colorado, be and she hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of rock and sand from quarries

and leading points within a 10 mile radius of Boulder, Colorado to construction work within said area, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dwyer

McDauks

Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. WALTER WRIGHT TO TRANSFER)
TO L. E. FLETCHER HIS PRIVATE)
PERMIT NO. B-1331.)

APPLICATION NO. 3439-PP-A

Sept. 28, 1936.

Appearances: L. E. Fletcher, Box 44, Hugo, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

J. Walter Wright herein seeks authority to transfer Private Permit No. B-1331 to L. E. Fletcher. The evidence disclosed that there are no unpaid obligations outstanding against the operation, and that transferor in exchange for a 1½-ton Chevrolet truck (subject to indebtedness of \$488) and his permit is to receive \$500 in cash and a 1931 Chevrolet sedan.

The operating experience and responsibility generally of transferee were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. Walter Wright should be, and he hereby is, authorized to transfer his Private Permit No. B-1331 to L. E. Fletcher.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein transferred to become effective only if and when, but not before transferee has filed a list of his customers and the required insurance, and has secured identification cards.

swrcs
A 906 J D Twill

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependendent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Oliver

W. S. Danks

Malcolm E. Quinn

Commissioners.

Dated at Denver, Colorado;
this 28th day of September, 1936.

CONTROL
2D

(Decision No. 8345)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
A. M. BOBBITT.)

CASE NO. 1809

August 25, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-993 should not be suspended or revoked for his failure to keep on file with the Commission the required insurance and for his failure to make monthly highway compensation tax reports.

The evidence disclosed that the above mentioned delinquencies had not been satisfied.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should be revoked.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-993, heretofore issued to A. M. Bobbitt, should be, and the same is hereby revoked.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

W. C. Dwyer

Malcolm Wicks

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

CONTROL *gy*

(Decision No. 8345)

A-968

Handwritten initials and signature

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAT W. ROACH.)

CASE NO. 1803

Sept. 28, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission entered its order requiring the above named respondent to show cause why his private permit No. A-968 should not be suspended or revoked on account of his failure to file insurance and equipment slips.

It now appears that respondent had arranged to transfer said permit to one John Antonelli, who had been operating the permit for him since the hearing on application to transfer in Trinidad, on October 30, 1935, and that said Antonelli had insurance effective January 15, 1936, covering the same equipment formerly used by Mr. Roach, being one 1930 Chevrolet pick-up M#1420167, and that equipment slip had been filed.

After careful consideration of the record, the Commission is of the opinion and finds that said case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above styled case should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signature: E. E. Pollock
Handwritten signature: McDanals

Handwritten signature: Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF PASQUALE LA CONTE FOR A PERMIT)
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3469-PP

August 25, 1936.

S T A T E M E N T

By the Commission:

On August 9, 1936, Pasquale La Conte filed his application herein for authority to operate as a Class B intrastate private carrier by motor vehicle for hire for the transportation of coal and wood from mines in the northern Colorado coal fields to Denver.

Heretofore the Motor Truck Common Carriers Association has indicated that it has no objection to the issuance of permits of this character without formal setting or hearing.

After a careful consideration of the record, the Commission has determined, and finds, that said permit as prayed for, limited to the transportation of coal and wood from mines in the northern Colorado coal fields to Denver, should issue.

O R D E R

IT IS THEREFORE ORDERED, That Pasquale La Conte should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of coal and wood from mines in the northern Colorado coal fields to Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Wm. J. Quinn

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF G.)
G. WILLIAMS, BERTHOUD, COLORADO, FOR A)
CLASS B PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3427-PP

August 25, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the applicant;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

The applicant herein being unable to attend, it was agreed that the permit sought might be issued on the verified application of the applicant, limited to three customers only.

After careful consideration of the verified application on file herein and the stipulation between those appearing at the hearing, the Commission is of the opinion and finds that the authority sought should be granted, limited to three customers, viz: Stead Hotel, Brinwood Ranch and Crocker Ranch, all of Estes Park, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That G. C. Williams of Berthoud, Colorado, be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of cattle and horses ^{between} ~~points~~ within a 7 mile radius of Estes Park, Colorado, and points outside thereof, for the three customers only, viz: Stead Hotel, Brinwood Ranch and Crocker Ranch, all of Estes Park, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deere

W. D. Danks

Wm. J. Quinn
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL *YES*

IN THE MATTER OF THE APPLICATION)
OF J. D. BIDDLE FOR A PERMIT TO)
OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 2580-PP

August 25, 1936.

Appearances: J. D. Biddle, Broomfield, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for the transportation of farm products (except live stock) and milk from farms within the area extending five miles south and ten miles north, east and west of Broomfield, Colorado, to elevators and loading points in said area.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That J. D. Biddle should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products (except live stock) and milk from farms within the area extending five miles south and ten miles north, east and west of Broomfield, Colorado, to elevators and loading points in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter J. Quinn
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

CONTROL *94*

(76)
413

IN THE MATTER OF THE APPLICATION OF)
PAUL R. TEETS OF BOULDER, COLORADO,)
FOR A CLASS "B" PRIVATE PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3415-PP

B-1642

August 25, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Norman Rhyno and the Yockey Trucking
Company;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

The applicant did not appear at the hearing but authorized Mr. Marion Jones to make a statement as to his application which was as follows:

"The applicant desired authority to transport farm products including livestock from point to point within a radius of 10 miles of Boulder, Colorado, and occasional trips to Denver."

As thus limited there was no objection offered to the issuance of a permit on the verified application filed by the applicant.

After careful consideration of the record and the statement made at the hearing, in which statement the protestants concurred, the Commission is of the opinion and finds that the authority as thus limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Paul R. Teets of Boulder, Colorado, be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products including livestock from point to point within a radius of 10 miles of Boulder, Colorado and from said area to Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become

effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Decker

W. C. Danks

Walter J. Quinn

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LLOYD KING FOR A CLASS B PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 3383-PP
MOTOR VEHICLE FOR HIRE.)

August 25, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
Harry C. Flanders and Haugen Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle, for hire, for the transportation of grain and beans. Said application was set for hearing, applicant being notified thereof, at Denver, on August 13, 1936.

Applicant failed to appear, whereupon protestants stipulated that the application should be admitted in evidence in behalf of applicant, and that a permit limited to the transportation of grain and beans from combines and threshing machines only now or hereafter being operated on farms within a radius of 15 miles of Bennett to Bennett or other markets in said area, should issue.

After careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That Lloyd King should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain and beans from combines and threshing machines only, now or hereafter being operated on farms within a radius of 15 miles of Bennett, to Bennett or other markets in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted

to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

W. Danks

Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ARNOLD KJOSNESS FOR A CLASS B) APPLICATION NO. 3420-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

August 25, 1936.

Appearances: Arnold Kjosness, Genoa, Colorado,
pro se;

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit to operate as an intrastate private carrier by motor vehicle for hire for the transportation of grain from farms within a radius of 35 miles of Limon to Genoa and Limon, and coal from Genoa, Limon and mines near Buick, to points in said area.

No one appeared in opposition to the granting of said permit.

The operating experience and responsibility generally of applicant were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that said permit, as limited, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Arnold Kjosness should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain from farms within a radius of 35 miles of Limon to Genoa and Limon, and coal from Genoa, Limon and mine near Buick, to points in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a

list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. O'Connell

W. D. Danks

Walter Emerson
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF GILBERT DALPRA AND JOE DALPRA,)
DOING BUSINESS AS DALPRA BROTHERS,)
FOR A PERMIT TO OPERATE AS A CLASS)
"B" PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)
-----)

APPLICATION NO. 3404-PF

August 25, 1936.

Appearances: Gilbert Dalpra, Lafayette, Colorado,
pro se;
Bert Hall, Parker, Colorado,
for Hall Truck Line;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association;
George Garrett, Longmont, Colorado,
for McKie Transfer Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Gilbert Dalpra and Joe Dalpra, doing business as Dalpra Brothers, herein seek a Class B permit which, as limited by the evidence offered at the hearing, would authorize them to transport wheat and other small grains for S. A. Keller only from farms within a radius of 20 miles of Lafayette to Lafayette, and from Lafayette to Denver and other points within said 20-mile radius, and the transportation of coal for Bert Tomlinson only from the Tomlinson mine situate about one mile from Lafayette to Lafayette and Denver and points within a radius of 20 miles of Lafayette.

There was no objection to the issuance of the permit as limited.

The operating experience and responsibility of applicants were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit, limited to the transportation service for S. A. Keller and Bert Tomlinson only and without authority to add to the

number of their customers except upon special permission of the Commission, should issue.

O R D E R

IT IS THEREFORE ORDERED, That Gilbert Dalpra and Joe Dalpra, doing business as Dalpra Brothers, should be, and they hereby are authorized to operate as Class B private carriers by motor vehicle for hire, for the transportation of wheat and other small grain for S. A. Keller only from farms within a radius of 20 miles of Lafayette to Lafayette, and from Lafayette to Denver and other points in said 20-mile radius, and the transportation of coal for Bert Tomlinson from the Tomlinson coal mines situate about one mile from Lafayette, to Lafayette, Denver and points in said 20-mile radius, without the right to add to the number of their customers or otherwise extend their service except by special permission of the Commission.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when applicant has filed the required insurance and secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Banks

W. H. Banks

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CLYDE MACKEY.)

INTERSTATE PERMIT NO. A-1047-I

August 25, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Clyde Mackey, holder of Interstate Permit No. A-1047-I, stating:

"as I did not get my contract when I applied for the permit, I never did haul under this permit as all of my operations are under my commercial permit. Would appreciate you suspending my permit A-1047-I, one year from date, July 31, 1936."

After careful consideration, the Commission is of the opinion and finds that said permit should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Interstate Permit No. A-1047-I, heretofore issued to Clyde Mackey, of Lamar, Colorado, be, and the same is hereby, suspended for a period of six months from this date; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks
W. L. Danks
W. L. Danks
Commissioners

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL *JS*

* * *

IN THE MATTER OF THE APPLICATION)
OF J. B. LANG TO TRANSFER PERMIT)
NO. A-155 TO MRS. W. L. LANG, OF)
LONGMONT, COLORADO.)

APPLICATION NO. 3419-PP-A

August 25, 1936.

Appearances: Mrs. J. B. Lang, Longmont, Colorado,
for applicants;
J. F. Rowan, Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

Heretofore private permit No. A-155 issued to J. B. Lang. Mr. Lang having departed this life, Mrs. J. B. Lang, his widow and administratrix of his estate, herein seeks authority to transfer said permit to Mrs. W. L. Lang.

The evidence disclosed that there was no outstanding indebtedness against said permit; that the transferee is pecuniarily and otherwise able to carry on the proposed operation.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Mrs. J. B. Lang, administratrix of the estate of J. B. Lang, deceased, should be, and hereby is authorized to transfer said private permit No. A-155 to Mrs. W. L. Lang.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have filed a list of her customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That this order shall be, and the same is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Daniels

W. L. Davis

W. L. Davis

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF HENRY CHRISTENSON FOR A PERMIT)
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3382-PP

August 25, 1936.

Appearances: Henry Christenson, Roggen, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit which as limited by the testimony offered at the hearing would authorize him to operate as a private carrier by motor vehicle for hire, for the transportation of grain and beans from points within a radius of 20 miles of Roggen to points within a radius of 50 miles of Roggen, beets from farms in Weld and Morgan counties to beet dumps and factories in said counties, and coal from mines in the northern Colorado coal fields to points within a radius of 20 miles of Roggen.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that permit limited to the transportation service hereinbefore described, should issue.

O R D E R

IT IS THEREFORE ORDERED, That Henry Christenson should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain and beans from points within a radius of 20 miles of Roggen to points within a radius of 50 miles of Roggen, beets from farms in Weld and Morgan counties to beet dumps and factories in said counties, and coal from mines in the northern Colorado coal fields to

points within a radius of 20 miles of Roggen.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank E. O'Connell

W. D. Parks

Wm. Emerson
Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF GEORGE SCHLIDT FOR A PERMIT
TO OPERATE AS A CLASS "B" PRIVATE
CARRIER BY MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3386-PP

CONTROL

August 25, 1936.

Appearances: George Schlidt, Roggen, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a private carrier by motor vehicle for hire, for the transportation of grain and beans from points within a radius of 20 miles of Roggen to points within a radius of 50 miles of Roggen, beets from farms in Weld and Morgan counties to beet dumps and factories in said counties, and coal from mines in the northern Colorado coal fields to points within a radius of 20 miles of Roggen.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds that permit limited to the transportation service hereinbefore described, should issue.

O R D E R

IT IS THEREFORE ORDERED, That George Schlidt, of Roggen, Colorado, be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of grain and beans from points

within a radius of 20 miles of Roggen to points within a radius of 50 miles of Roggen, beets from farms in Weld and Morgan counties to beet dumps and factories in said counties, and coal from mines in the northern Colorado coal fields to points within a radius of 20 miles of Roggen.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien

McDauks

Wm. Emerson

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. G. BAKER FOR A CLASS B PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3396-PP

August 25, 1936.

Appearances: R. G. Baker, Climax, Colorado,
pro se.

S T A T E M E N T

By the Commission:

Applicant herein has requested the Commission to dismiss the above styled application, he having filed an application for a common carrier certificate to render the same service sought in the application for extension herein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the above styled application should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell

W. H. Danks

Commissioners.

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
J. C. LARSEN, BOULDER, COLORADO, FOR
AN EXTENSION OF AUTHORITY GRANTED IN
DECISION NO. 7240, TO INCLUDE THE
TRANSPORTATION OF WHEAT, HAY, MINING
MACHINERY AND ONCE IN A WHILE A LOAD
OF HOUSEHOLD GOODS FOR OLD CUSTOMERS,
IN BOULDER COUNTY.

APPLICATION NO. 2851-PP-B

August 22, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Assn., Yockey
Trucking Co., and Norman Rhyno;
Mr. A. J. Bregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing at Longmont, Colorado, August 12, 1936, at which time and place the applicant failed to appear and a motion was interposed by protestants that the application be dismissed for lack of prosecution which motion was taken under advisement. On returning to Denver, a communication was received dated August 11, wherein the applicant states that he was detained in the eastern part of the State and unable to reach Longmont in time for the hearing and requests that the application be set for hearing at some other time.

After careful consideration of the record, the Commission is of the opinion that the motion to dismiss should be denied and the application re-set.

O R D E R

IT IS THEREFORE ORDERED, That motion made by protestant be and the same is hereby denied and application 2851-PP-B made by

J. C. Larsen, Boulder, Colorado be, and the same is hereby set for hearing before the Commission on the 10th day of September, 1936 at ten o'clock A.M. at the Hearing Room, State Office Building, Denver, Colorado and that copies of this order be sent to all of those notified of the previous hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks

W. D. Danks

Walter Swick
Commissioners.

(S E A L)

Dated at Denver, Colorado,
this 29th day of August, 1936

~~ATTEST: A TRUE COPY~~

~~Secretary~~

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL 98
IN THE MATTER OF THE APPLICATION OF)
CHARLES A. HUGHES FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE, FOR HIRE.)

B-1642
APPLICATION NO. 3273-PP

August 31, 1936

Appearances: Charles A. Hughes, 308 - 12th Ave.,
Greeley, Colorado, pro se;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colorado Transfer and
Warehousemen's Association;
C. D. Young, Denver, Colorado, for The
Colorado Trucking Association.

S T A T E M E N T

By the Commission:

It appears from the application that the applicant desires authority to transport refrigerators, washing machines and radios from the Montgomery Ward branch store at Greeley, Colorado, to Fort Morgan and Loveland, and other branch stores within a radius of fifty miles of Greeley, Colorado. At the hearing it was developed that the applicant had a one-half ton International pick-up truck and that he had an agreement with Mr. Hamilton of the Montgomery Ward Company to make deliveries from the Greeley branch store to various points within a radius of fifty miles. However, the principal movement would be from Greeley to Fort Morgan.

The applicant stated that he would not use a larger truck than the one listed and ~~would not~~ put on additional equipment.

No testimony was produced on behalf of the protestants, and no record made upon which a denial of the application could be predicated.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Charles A. Hughes of Greeley, Colorado, be, and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of refrigerators, washing machines and radios from the Montgomery Ward store at Greeley, Colorado, to other Montgomery Ward branch stores within a fifty mile radius of Greeley, Colorado, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. L. Danks

William E. Danks

Commissioners

Dated at Denver, Colorado,
this 31st day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF ALBERT A. SPERRY FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3432-PP

September 1, 1936

Appearances: Albert A. Sperry, Dillon, Colorado,
pro se;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Chas. D. Young, Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B private permit authorizing the transportation of coal from Oak Creek, Colorado, to Dillon and Breckenridge, gas and oil from Leadville to Dillon and Breckenridge, ore from Dillon and Breckenridge to Leadville, and automobile accessories and tires, lumber, building material, groceries, meats, hay, live stock and ore to and from Dillon and Breckenridge from and to Denver.

The evidence disclosed that applicant owns a 1½-ton 1936 Chevrolet truck valued at \$1,000, against which no mortgage exists, and that he conducts a tourist camp at Dillon. His financial standing and operating reliability were established to the satisfaction of the Commission.

No objections were interposed to the granting of the permit sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the application of Albert A. Sperry for a Class B private permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Albert A. Sperry should be, and he

hereby is granted a permit to operate as a Class B private carrier by motor vehicle for hire, for the transportation of coal from Oak Creek, Colorado, to Dillon and Breckenridge; gas and oil from Leadville to Dillon and Breckenridge; ore from Dillon and Breckenridge to Leadville, and automobile accessories and tires, lumber, building material, groceries, meats, hay, live stock and ore to and from Dillon and Breckenridge from and to Denver; provided, however, that no service shall be rendered by applicant in the transportation of the above named commodities except for freight which originates at or is destined to the Breckenridge and Dillon areas.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks
McDanks
W. A. Erickson
Commissioners

Dated at Denver, Colorado,
this 1st day of September, 1936.

1697

page 1

(Decision No. 8374)

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

13-1697

IN THE MATTER OF THE APPLICATION)
OF J. VICENTE VIGIL FOR A PERMIT) APPLICATION NO. 3585-PP
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 26, 1936.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand, gravel and coal from point to point within a radius of fifty miles of Walsenburg, Colorado.

Inasmuch as the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated to the Commission that said associations and their respective members have no objection to the issuance of permits of this character without formal hearing, the Commission has determined to hear said matter upon the verified application of applicant without notice or formal hearing.

After a careful consideration of said application and the record, the Commission is of the opinion, and finds that permit as requested should issue.

O R D E R

IT IS THEREFORE ORDERED, That J. Vicente Vigil should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of sand, gravel and coal from point to point within a radius of fifty miles of Walsenburg, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Walter J. Harrison

Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
T. V. BRATTON FOR A PERMIT TO OPERATE)
AS A CLASS "B" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3434-PP

September 1, 1936

Appearances: Mr. Charles D. Young, Denver, Colorado,
for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant seeks a Class B private permit authorizing the transportation of sand, gravel and dirt from point to point within a radius of 50 miles of the City and County of Denver.

Said application was duly set for hearing in the Hearing Room of the Commission in Denver, Colorado, on August 25, 1936. However, applicant failed to appear. It was stipulated by the Colorado Trucking Association that the application might be granted upon the verified application on file, which has been done by the Commission in a number of similar cases, as it does not appear that any common carrier motor vehicle operation would be impaired by the proposed service.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the permit sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That T. V. Bratton should be, and he is hereby authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of sand, gravel and dirt, from point to point

within a radius of 50 miles of the City and County of Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Daniel

W. D. Danks

W. A. Quinn

Commissioners

Dated at Denver, Colorado,
this 1st day of September, 1936.

1645

~~CONTROL~~

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
FRANK LA ROCHE, DOING BUSINESS AS)
MAIN GARAGE, FOR A CLASS B PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3429-PP

1645

September 1, 1936

Appearances: Frank La Roche, Frederick, Colorado,
 pro se;
 Marion F. Jones, Esq., Longmont, Colorado,
 for The Colorado Trucking Association
 and Liley and Son;
 A. J. Fregeau, Denver, Colorado, for The
 Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to transport sand, gravel, coal and household goods within a radius of twenty-five miles of Frederick, Colorado.

From the testimony of the applicant it appears that he conducts the Main Garage at Frederick, Colorado, and has two Chevrolet trucks which he desires to use in the transportation business. The applicant stated that he would like to haul sand and gravel from Fort Lupton to the Frederick area and coal from the mines to Firestone, Frederick and Dacona. The applicant stated that he would eliminate any haul to Denver. He further stated that he had been hauling without authority and stated that he knew nothing about the rules and regulations promulgated by the Commission.

William Liley, representing Charles Liley and Son, holders of Certificate No. 872, testified that they had a new Diamond T truck, that they hauled all of the commodities mentioned in the instant application and could handle all of the sand, gravel and furniture hauls, and that to authorize the hauling of the same by the applicant would impair their service.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that it will impair the services of authorized common carriers to grant authority to move sand, gravel and furniture but that the applicant should be granted authority to transport coal from mines in the northern Colorado coal field to customers residing within a twenty-five mile radius of Frederick, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That Frank La Roche, doing business as Main Garage, Frederick, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of coal from mines in the northern Colorado coal fields to customers residing within a twenty-five mile radius of Frederick, Colorado, and this order shall be authority for such operation.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Daniels

W. L. Danks

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,
this 1st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ELMER MINGUS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3466

September 1, 1936

Appearances: M. H. Burnett, Esq., Denver, Colorado,
attorney for applicant;
J. G. Hodges, Esq., Denver, Colorado,
for The Denver Cab Company.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing a motor vehicle service for the transportation of passengers between the City and County of Denver and what is known as the "Ralston Creek Camp" situate approximately 14.1 miles northwest of Denver, via State Highways Nos. 58 and 72 and county roads. The application as filed sought authority to serve intermediate points, but at the hearing, by stipulation, it was agreed that said service should be limited to the service of said Ralston Creek Camp solely, and that no service between intermediate points was sought.

The record disclosed that at the present time some 300 men are being employed in the construction of said Ralston dam, and it is expected that this number will be increased to approximately 450 within a short time. Construction work has been going on for approximately 2 months, and it is estimated that it will require from 14 to 15 months longer to complete the project. Three shifts per day are now being worked and the project is in connection with Denver's water supply system.

No motor vehicle carrier, street car or rail service, is now available between Denver and said camp, and the evidence disclosed that the men are now being transported by workers who own cars.

Applicant proposes to charge 50 cents per round trip or any portion

thereof, and six round trips for \$2.50. His schedules are so arranged as to accommodate the different shifts at the camp, and he proposes to operate two 25-passenger busses, leaving Denver at 7:00 AM, 3:00 PM and 11:00 PM daily. His busses from the camp to Denver would leave said camp at 8:05 AM, 4:05 PM and 12:05 AM.

Applicant's financial responsibility and operating reliability were established to the satisfaction of the Commission. The testimony indicated that his proposed fares were reasonable and compensatory, and were upon a basis which the employees at said camp could afford to pay.

With the elimination of the intermediate service, by stipulation, all objections to the granting of the certificate were withdrawn.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operation of applicant.

O R D E R

IT IS THEREFORE ORDERED, That the present and future public convenience and necessity require the proposed motor vehicle operation of applicant for the transportation of passengers only between the City and County of Denver and the Ralston Creek Camp, via State Highways Nos. 58 and 72 and county roads, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and

also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Deneen
W. C. Danks
Walter H. Hines
Commissioners

Dated at Denver, Colorado,
this 1st day of September, 1936.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF CHARLES C. HAWKES AND CHESTER)
HAWKES, DOING BUSINESS AS THE)
HAWKES TRUCK LINE, FOR A PERMIT)
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3281-PP
AMENDED APPLICATION NO. 3281

September 2, 1936

Appearances: Charles C. Hawkes, Norwood, Colorado,
pro se

S T A T E M E N T

By the Commission:

Applicants filed an application for a Class B private permit, seeking authority to transport ore, live stock, lumber, grain, hay and general farm products in the vicinity of Norwood, Colorado.

At the hearing, it developed that the proposed operations of applicants were those of a common carrier and not a private carrier, as he definitely stated that he would be unable to furnish any list of customers that he proposed to serve, and that if he could not accept freight from the general shipping public who might desire to employ him, his operation would not be successful or render the service to the community which was needed. Applicant requested that his application for a private permit be accepted by the Commission as an application for a common carrier certificate covering pick-up service for the above named commodities in an area limited to 50 miles of Norwood, Colorado, including point to point service within said area, and to and from points in said area from and to other points in the State of Colorado, provided, however, that no service shall be rendered in competition with any line haul common carriers now serving said area.

It appears from the record that applicants now conduct a filling station at Norwood, and their financial responsibility and operating reliability

were established to the satisfaction of the Commission. It further appears that the proposed service of applicants is needed by the general shipping public in the Norwood area. Norwood is a small community located approximately 25 miles from any railroad point, and farming and stock raising are the principal industries.

It does not appear that any common carrier irregular service now exists in the Norwood territory.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the request of applicants to amend their application to cover a common-carrier certificate should be granted, and we are of the opinion and so find that the certificate prayed for should be granted, subject to the conditions hereinafter named.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicants for the (transportation of ore, live stock, lumber, grain, hay and general farm products from point to point within an area limited to 50 miles of Norwood, Colorado, and to and from points in said area from and to other points in the State of Colorado, provided, however, that no service shall be rendered in competition with any line haul common carriers now serving said area,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, subject to the right of any interested common carrier to protest the granting of said certificate within sixty days from the date hereof.

IT IS FURTHER ORDERED, That in the event a protest is filed by an interested common carrier within said sixty days from the date hereof, the authority herein granted shall be suspended by the Commission, subject to further hearing upon the merits of the application.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Samuel D. Danks

Wes Danks

Walter Hinson

Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
A. B. BARRINGER, DOING BUSINESS AS)
AS BARRINGER TRANSFER.)

APPLICATION NO. 2065-I

ORDER CORRECTING PERMIT

Sept. 14, 1936.

S T A T E M E N T

By the Commission:

On September 1, 1932, the Commission issued to A. B. Barringer, doing business as Barringer Transfer, interstate permit No. 659-I, authorizing the transportation of freight by motor vehicle as a common carrier in interstate commerce only "between Denver and the Colorado-Nebraska state boundary line where U. S. Highway No. 85 crosses the same, and between intermediate points and said line".

It affirmatively appears to the Commission that the description of the route of applicant in said permit was in error, as U. S. Highway No. 85 does not cross the Colorado-Nebraska state boundary line, and that said description should have read between Denver and the Colorado-Wyoming state boundary line, which route is the one over which applicant was operating.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said interstate permit No. 659-I should be amended to properly conform to the facts.

O R D E R

IT IS THEREFORE ORDERED, That interstate permit No. 659-I, heretofore issued in Application 2065-I, be, and the same is hereby, amended as of September 21, 1932, to authorize transportation of freight by motor

vehicle as a common carrier in interstate commerce only, between Denver and the Colorado-Wyoming state line where U. S. Highway No. 85 crosses the same, and between intermediate points and said line.

IT IS FURTHER ORDERED, That except as above changed and corrected, said interstate permit No. 659-I shall be and remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Walter Smith
Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1936.

A 505

(Decision No. 8381)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
PAT BENSON.)

CASE NO. 1829.

September 2, 1936.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that on August 5, 1903, Permit No. A-505 was issued to the respondent, Pat Benson, authorizing him to engage in the business of a private carrier by motor vehicle as defined in Chapter 120, Session Laws of 1931 and subsequent amendments, from Denver and Sterling to Fleming, Dailey, Haxtun, Paoli, Holyoke and Amherst, Colorado, and that at all times since said date respondent Pat Benson has been and now is a private carrier by motor vehicle.

Information has come to the Commission, and the Commission is so informed and believes, that on July 3, July 16 and July 30, 1936, the respondent Pat Benson transported the following COD shipments consigned from The Colorado Alcohol Company at Denver to the Keim Liquor Store at Holyoke, Colorado:

July 3, 1936	\$36.23
July 16, 1936	22.03
July 30, 1936	32.70
Total . .	<u>\$90.96</u>

and that respondent, contrary to Rule 23 of the rules and regulations of the Commission, effective May 1, 1935, has failed, refused and neglected to remit said COD collections within five days after date of collecting same.

The records of the Commission also disclose that neither the name of The Colorado Alcohol Company nor the Keim Liquor Store appear on

respondent's list of customers dated April 27, 1935, being the only list of customers ever filed with this Commission. Wherefore, respondent has further violated the rules and regulations of the Commission by transporting freight for a customer or customers with whom he has no contract for transportation and whose name or names did not appear on the list of customers filed with this Commission pursuant to Rule 16 of the aforesaid rules and regulations, effective May 1, 1935, and the Commission is informed and believes that respondent has transported freight for various other persons whose names or addresses do not appear on any list of customers filed with this Commission, in violation of the law and the rules and regulations of the Commission.

Therefore, the Commission is of the opinion and so finds that a complaint should be instituted on its own motion, and a hearing and investigation entered into to determine if said respondent has violated the rules and regulations of the Commission in the manner and particulars aforesaid.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint should be instituted and a hearing and investigation entered into to determine if the above named respondent has violated the law and the terms and provisions of the rules and regulations of this Commission in the particulars aforesaid.

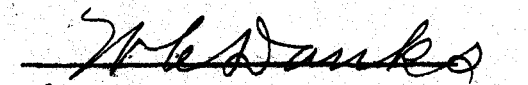

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking or suspending permit No. A-505, heretofore issued to said respondent, on account of the aforesaid violations of the law and the rules and regulations of the Commission, or why it should not enter such other

order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, on the 22nd day of September, 1936, at 10 o'clock A.M., at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
C. R. JEFFERES AND T. B. JEFFERES,)
DOING BUSINESS AS JEFFERES AUTO) CASE NO. 1830.
COMPANY.)

September 2, 1936.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that on August 14, 1935, in Application No. 2443, the above named respondents were granted a certificate of public convenience and necessity under the provisions of Chapter 134, Session Laws of 1927, as amended, which said certificate of convenience and necessity authorizing respondent to operate as a common carrier by motor vehicle, is in words and figures as follows, to-wit:

"IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle operation of the applicants, C. R. Jefferes and T. B. Jefferes, doing business under the name and style of Jefferes Auto Company, for the transportation not on schedule of freight generally from point to point in the area within a radius of ten miles of Berthoud, Colorado, and the transportation of livestock from said area to Denver, farm machinery, farm products and supplies, furniture, and household goods from and to points within said area to and from points within the State, and ditch, reservoir, oil well, and gas line supplies and equipment, from Denver, Colorado, to points within said area, subject to the conditions hereinafter expressed; and this order shall be deemed and held to be a certificate of public convenience and necessity therefor; provided that for the transportation of all freight other than livestock between points served by scheduled motor vehicle or railroad common carrier service, the applicants shall charge rates which in all cases shall be at least twenty per cent in excess of those charged by said scheduled carriers, and their rates for transportation of furniture and household goods shall not be less than those provided by tariffs of Colorado Transfer and Warehousemen's Association now or hereafter on file with the Commission."

Information has come to the Commission that notwithstanding the limitations in the above mentioned order and certificate of public convenience and necessity, limiting the operations of respondent to the transportation of the commodities above named, respondents did on or about the 18th day of July, A.D. 1936, transport a truck load of flour and delivered same to the Golden Crown Macaroni factory at Trinidad, Colorado, and the Commission is informed and believes that said flour was transported from Brighton, Berthoud or Longmont, Colorado, without first having obtained from the Public Utilities Commission proper authority for such transportation.

The Commission is further informed and believes that the respondents have further violated the law and the rules and regulations of the Commission by assessing a rate for the transportation of said shipment of flour which is less than the rate prescribed by the Commission for the transportation of said commodity in Case No. 1585, being entitled, "In the Matter of a General Investigation of the Freight Rates and Classification of Freight, of All Common and Private Motor Vehicle Carriers".

Therefore, the Commission is of the opinion, and so finds, that a complaint should be instituted on its own motion, and a hearing and investigation entered into to determine if said respondents have violated the terms and provisions of said certificate of public convenience and necessity by transporting freight for hire as aforesaid without lawful authority therefor, and whether or not respondents have violated the orders of the Commission, heretofore made and entered in Case No. 1585, by assessing a rate for the transportation of flour for hire which is less than the rate prescribed by the Commission for the transportation of such commodity by common carriers by motor vehicle.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be instituted and a hearing and investigation entered into to determine if the above named respondents have violated the law and the terms and provisions of said certificate and the orders

of the Commission in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking or suspending said certificate of public convenience and necessity, heretofore issued in Application No. 2443, on account of the aforesaid violations of the law, the terms and provisions of said certificate of public convenience and necessity, and the orders of the Commission made and entered in Case No. 1585, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on September 22, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. D. Ambrose

William E. Brown

Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936.

C-2826

(Decision No. 8383)

46
RPR

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF THOMAS MUNN.) CASE NO. 1831.
-----)

MAKE NO COPY

September 2, 1936.

S T A T E M E N T .

By the Commission:

The records of the Commission disclose that respondent, Thomas Munn, on December 2, 1936, was issued Commercial Permit No. C-2826 authorizing him to operate as a commercial carrier by motor vehicle for the transportation of his own property sold or to be sold in the furtherance of any commercial enterprise and, at all times since, respondent has been and now is operating as a commercial carrier by motor vehicle.

Information has come to the Commission that the respondent on or about the 20th day of July hauled a load of explosives for the Hercules Powder Company consigned to some person or persons whose names are unknown to the Commission, at a point near Sterling, Colorado, for hire, and that on the 3rd day of August, 1936, respondent hauled approximately 3 tons of explosives for the Hercules Powder Company consigned, as the Commission is informed and believes, to the Lallier Construction Company at a point near Granite, Colorado, for hire, without first having obtained from the Commission a permit to operate as a private carrier by motor vehicle or certificate of public convenience and necessity authorizing him to operate as a common carrier by motor vehicle, in violation of the law and the terms, provisions and limitations of said permit No. C-2826.

Therefore, the Commission is of the opinion, and so finds, that a complaint should be instituted, on its own motion, and a hearing and investigation entered into to determine if said respondent has violated the law and terms and provisions of said permit by transporting freight for hire, as aforesaid.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint and investigation be instituted and a hearing be entered into to determine if the above-named respondents have violated the law and terms and provisions of said permit and the rules of the Commission in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondent show cause, if any he has, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring respondents to cease and desist from the aforesaid violations of the law and the terms and provisions of said permit, and why it should not enter such order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Bldg., Denver, Colorado, at 10 o'clock A.M., on the 22nd day of September, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. C. [Signature]

W. C. Danko

Walter S. [Signature]
Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
FRANK KRONKOW AND EARL MORGAN.) CASE NO. 1832.

September 2, 1936.

S T A T E M E N T .

By the Commission:

The records of the Commission disclose that respondent, Frank Kronkow, on March 16, 1936, was issued Commercial Permit No. C-3883 authorizing him to operate as a commercial carrier by motor vehicle for the transportation of his own property sold or to be sold in the furtherance of any private, commercial enterprise, and at all times since respondent has been and now is operating as a commercial carrier by motor vehicle. It has been brought to the attention of the Commission that the vehicle used under said permit is jointly owned by respondents Frank Kronkow and Earl Morgan, whereby the respondent Morgan has some interest in said permit.

Information has been brought to the attention of the Commission that on the 26th day of July, 1936, respondents transported a load of livestock from one A. E. Smith of Adena, Colorado, consigned to the Farmers' Union Live Stock Commission, Inc., Denver Union Stockyards, for hire, in violation of law and the terms, provisions and limitations of said commercial permit.

Therefore, the Commission is of the opinion, and so finds, that a complaint should be instituted, on its own motion, and a hearing and investigation entered into to determine if said respondents have violated the law and terms and provisions of said permit by transporting property for hire as aforesaid, without first having obtained from the Commission authority to haul the property of others for hire as required by law.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, By the Commission, on its own motion, that a complaint and investigation be instituted and a hearing be entered into to determine if the above-named respondents have violated the law and terms and provisions of said permit in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondents show cause, if any they have, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring respondents to cease and desist from the aforesaid violations of the law and the terms and provisions of said permit and why it should not enter such order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Bldg., Denver, Colorado, at 10 o'clock A.M. on the 22nd day of September, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. C. Dancer

W. H. Danks

Walter E. Eason
Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936.

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S T A T E M E N T.

By the Commission:

The records of the Commission disclose that respondent, Ray J. Gray, on September 24, 1935, was issued Commercial Permit No. 1510 authorizing him to operate as a commercial carrier by motor vehicle for the transportation of his own property sold or to be sold in the furtherance of any private commercial enterprise and, at all times since respondent has been and now is operating as a commercial carrier by motor vehicle.

Information has been brought to the attention of the Commission that on July 27, 1936, respondent transported a load of live-stock from L. E. Groom and B. Wash of Akron, Colorado, consigned to the Denver Live Stock Commission Company, for hire, in violation of law and the terms, provisions and limitations of said commercial permit.

Therefore, the Commission is of the opinion, and so finds, that a complaint should be instituted, on its own motion, and a hearing and investigation entered into to determine if said respondent has violated the law and terms and provisions of said permit by transporting property for hire as aforesaid, without first having obtained from the Commission authority to haul the property of others for hire as required by law.

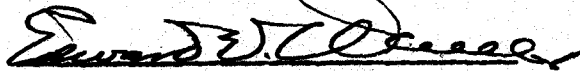
O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint and investigation be instituted and a hearing be entered into to determine if the above-named respondent has violated the law and terms and provisions of said permit in the particulars aforesaid.

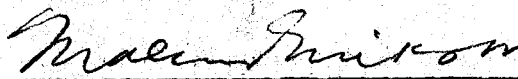
IT IS FURTHER ORDERED, That said respondent show cause, if any he has, by written statement filed with the Commission within ten days from this date, why it should not enter an order requiring respondent to cease and desist from the aforesaid violations of the law and the terms and provisions of said permit and why it should not enter such order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Bldg., Denver, Colorado, at 10 o'clock A.M., on the 22nd day of September, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners

Dated at Denver, Colorado,
this 2nd day of September, 1936

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF
F. W. SCHULTZ AND MANUEL SCHULTZ,
DOING BUSINESS AS SCHULTZ BRO-
THERS, UNDER PRIVATE PERMIT A-319.)

CASE NO. 1616

September 2, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for respondents;
Richard E. Conour, Esq., for the Commission;
Zene D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Assn;
A. J. Fregeau, Denver, Colorado, for Weicker
Transportation Company.

STATEMENT

By the Commission

On March 9, 1936, the Commission entered a show cause order requiring respondents F. W. Schultz and Manuel Schultz, doing business as Schultz Brothers, to show cause why private permit No. A-319 should not be revoked or suspended and why they should not be required to cease and desist from transporting freight to points not authorized to be served under said permit, and setting the same for hearing on March 20, 1936. Thereafter, it was further continued until April 3, 1936. On March 25, 1936 respondents filed a motion for further continuance and to make the show cause order more specific and certain. The continuance was granted and the case reset for hearing on June 22, 1936, on which date the Motion to make more specific and certain was dispensed with and the case proceeded to trial on the merits.

There is little if any dispute in the evidence, which shows that on January 23, 1932, private permit No. A-319 was issued to F. W. Schultz, an individual, authorizing him to engage in transportation of freight in the State of Colorado as a private carrier by motor vehicle under the provisions of Chapter 120, Session Laws of 1931, "From Denver to Kansas State line via Pueblo, U.S. 50". This permit was never extended or otherwise altered with respect to the authority sought and obtained by the respondent F. W. Schultz.

The respondents F. W. Schultz and Manuel Schultz, are brothers, and are

jointly interested in the ownership of the trucks and other property used in operating under permit A-319. Manuel Schultz is the holder of three certificates of convenience and necessity operated under the number P.U.C. 477, as follows: In application No. 1578, authority was granted to engage in the transportation of freight as a common carrier by motor vehicle between Lamar and Holly, Colorado and intermediate points; between Holly and Walsh, Colorado, and intermediate points, and between Holly and the Colorado-Kansas state line. In Application No. 1722, authority was granted to operate as a common carrier in the transportation of freight from Pueblo to points east of Lamar to Holly; between Holly and Walsh, and the Colorado-Kansas State line. Thereafter, in application No. 1973, authority was granted for the transportation of livestock, farm products and special commodities enumerated therein to Denver from points east of Lamar, including Holly and Walsh, and intermediate points, and various enumerated commodities from Denver and Brighton, Colorado to points in said territory, and freight in interstate commerce only from Brighton to the Colorado-Kansas State line via Highways Nos. U. S. 85 to Pueblo and U. S. 50 to said state line. These three certificates of convenience and necessity were at one time in the name of Schultz Brothers, but after various transfers, now stand in the name of Manuel Schultz.

It appears that F. W. Schultz is the manager and chief operator of the transportation activities carried on under the foregoing permit and certificates, although a partnership exists whereby Manuel Schultz shares in the profits and losses, and owns interests in all of the motor vehicles and other equipment used.

In this case we are chiefly concerned with the right of respondents to transport freight under authority of permit No. A-319 to points intermediate to Denver and the Colorado-Kansas state line, and to points not intermediate and off the route operated by transfer of the freight at Holly, Colorado to trucks operated under the certificates held by Manuel Schultz whereby through service is rendered by linking two lines, one operated under private permit No. A-319 and the other operated under certificate of convenience and necessity No. 477, thereby enlarging the operative rights held by respondents. One fact is quite apparent from the evidence, and that is, that although private permit A-319 and certificate No. 477 are held by different persons, there is in reality a common ownership and operation which makes the ownership and operation of the two classes of operative rights indistinguishable, particularly when it is considered that both lines are

under the management of F. W. Schultz, and that both operations have been carried on under the firm name of "Schultz Brothers".

At the time permit No. A-319 was issued to F. W. Schultz, no provision was made in Chapter 120, Session Laws of 1931, for hearing or other determination of the need for the service or the effect upon existing carriers. Permits were issued as a matter of course upon application therefor and the filing of proper insurance, and the authority asked for in the application was granted without question by the Commission or notice to other carriers. Under such circumstances, and since an applicant could have obtained authority to operate over any route or between any points desired, it must be assumed that the application contained a request for the only authority desired. That the statute contemplates that permits shall authorize (a) service between fixed points; (b) service over a specified route or routes; or (c) service over irregular routes, is apparent from the provisions of Section 1 (h) of Chapter 120, Session Laws of 1931, which reads as follows:

"(h) The term 'private carrier by motor vehicle' means every corporation or person * * * * *, other than motor vehicle carriers as defined by Section 1 (d) of Chapter 134 of the Session Laws of Colorado for the year 1927, as amended, owning, operating, controlling or managing any motor vehicle in the business of transporting persons or property for compensation over any public highway of this State between fixed points or over established routes, or otherwise, by contract or otherwise, * * * * *."

The above section of the statute clearly indicates that a permit granted for service between fixed points does not authorize service to intermediate points. The evidence shows that respondent F. W. Schultz has transported freight to and from various intermediate points between Denver and the Colorado-Kansas state line, as follows: Pueblo to Holly, Pueblo to Lamar, Pueblo to Rocky Ford, Denver to Holly, Denver to Rocky Ford, Denver to Lamar, and Denver to LaJunta. He has also handled considerable freight to Walsh from Denver and Pueblo, which was hauled from Denver and Pueblo to Holly under permit A-319 and from Holly to Walsh under certificate P.U.C. 477. Since the same trucks are used for transportation service under both authorities, it appears that so far as concerns the transportation between Pueblo and Walsh, and points Lamar to Holly, respondent was operating as both a common carrier and private carrier at the same time over the same route, with the same equipment, and under the same trade name. Since respondent is not here charged with operating as a common carrier without proper authority, we will not determine this question, although the evidence would justify further

proceedings upon this ground, were it not for our determination to revoke permit A-319 because the abuses of authority charged in the show cause order.

The language of our statute is not unlike the California Motor Transportation Act, which also contains the words "between fixed termini or over a regular route," and the California case of Watson v. White Bus Line, et al., P.U.R. 1922A, 620, 624, construing rights under the statute of that state to serve intermediate points under a certificate referring only to the termini of the line operated, is very persuasive in determining this case. There, the California Commission said:

"In this regard, the language of the statute for the regulation of transportation companies safeguards the operative rights of such companies in that these rights are described as 'between fixed termini or over a regular route.' It is thus possible for transportation companies to define exactly the extent of their undertaking. We believe it is in the interest of the sound regulation and development of the auto stage industry that they should do so. Application can readily be made to the Commission for authorization to operate between fixed termini or over a regular route in such way as to include the right to render local service along such route. In many orders of this Commission certificates have been granted for operation between two named points and 'intermediate points.' Where no such qualifying language appears in the tariffs and schedules on file May 1, 1917, and there is no other evidence of an original undertaking to render local service, application should be made to the Commission for the issuance of a new certificate or modification of an existing certificate so as to permit the local service which public convenience and necessity demand."

When F. W. Schultz made his application for a private permit on January 23, 1932, it was possible for him to clearly define the authority sought, which he failed to do. His application shows upon the most casual inspection, that he sought only the right to operate as an interstate private carrier between Denver and the Colorado-Kansas state line via Pueblo and U. S. Highway 50. Nothing was said about intermediate points, and the only conclusion possible from the facts is that no authority was ever sought or obtained to serve points intermediate to Denver and the Colorado-Kansas state line, and that the service rendered was and is without lawful authority and constitutes an unlawful extension and enlargement of the rights granted by private permit A-319.

In reaching this conclusion we have not failed to take cognizance of the fact that many of the permits issued shortly after Chapter 120, Session Laws of 1931 became effective provided for service only between fixed points, although the applicants intended to serve, and ever since the issuance of such permits, have served intermediate points. Probably because this condition was not complained of, and for the further reason that there was an insufficiency of authorized motor carriers, no notice was taken of these improper extensions

of authority. However, unauthorized exercise of a privilege which may be granted or denied by the paramount authority cannot confer rights which were never granted. We have not lost sight of the fact, that some carriers have in good faith, continuously served intermediate points under permits apparently authorizing service between fixed termini only. Their remedy lies in making application to the Commission for correction, modification or extension of the terms of permits as issued so as to permit the local service which has been rendered in the past under misapprehension as to the extent of their authority. In a proper case, no doubt the Commission will grant relief.

Still another unlawful enlargement of the operative rights granted respondent under permit A-319 results from the transportation of shipments between Denver and Pueblo to Walsh, Colorado, which is in the Southeastern corner of the state approximately 50 miles south of U. S. Highway 50, and is served from Holly, Colorado, under certificate P.U.C. 477 operated by respondent, but held by Manuel Schultz. Even if we were to accept the contention of respondent that he has the right to serve intermediate points, it can hardly be said that Walsh is intermediate to Denver and the Colorado-Kansas state line within the terms of the application for the permit. What respondents have done and assert is their right, is to link the two operations into a through service, notwithstanding that any operations under permit A-319 must necessarily be those of a contract carrier. We are unable to agree with the contention of respondents that a private permit may be extended by linking it to another route which may be operated either under a certificate of convenience and necessity or a private permit, and no statutory authority exists for such extension. To the contrary, Section 3 of Chapter 120, Session Laws of 1931, as amended, provides that no permit shall be extended or enlarged without authority of the Commission after hearing, and proof that such extension or enlargement will not impair the efficient public service of existing motor vehicle common carriers if any then serving the territory involved. This question has heretofore received the attention of other state Commissions, one of the leading cases on the subject being Motor Service Express v. Baker, P.U.R. 19280, 531, 534, where it is said:

"From a study of these decisions, we can lay down these conclusions; that because of the essential differences between rail and motor truck transportation, this Commission must of necessity adopt different principles in regulating the operations of the two classes

of carriers; that motor carriers should be definitely limited in the field of their operations and not permitted to deviate from their prescribed routes nor in any other way enlarge the operative rights granted to them without first obtaining a certificate from this Commission that the public convenience and necessity so require; that the filing of joint rates by the owners of distinct operative rights is to an extent an establishment of a through service, a linking up of the two lines, and to that extent amounts to an enlargement of the two operative rights for which a certificate must be obtained."

Although the two cases above cited concerned common carriers, we think the expressions cited are controlling here upon identical conditions with respect to private carriers. There is little difference under our statutes between private permits and certificates of public convenience and necessity, except the limitations placed upon the private carrier in that he may not hold himself out to serve the public, and he is not required or permitted to assume the duties and public obligations of the common carrier. In all other respects, there is no noticeable difference in the method of operation or operative rights granted. On account of their quasi-public character, common carriers are given a somewhat greater latitude in their operations which by the very nature of their status is necessary for the service of the public, but private carriers are not permitted to serve the public, and should not be permitted to undermine and impair the public service of common carriers by indiscriminate extensions of their operative rights by interchange of freight with other private and common carriers or the linking of operative rights into a through service without authority therefor. To hold otherwise would have the effect of depriving the Commission of its power to regulate transportation over the public highways in the public interest, and add confusion and chaos to an industry which is already suffering from excessive competition.

What we have just said here concerning private carriers by motor vehicle would in the absence of statute, apply with equal force to common carriers by motor vehicle. However, a statute of this state requires all common carriers to interchange freight with each other on equal terms. Such a provision is in the public interest, but private contract carriers are supposed to perform special services under special contracts, and no good reason has been advanced as yet why private contract carriers should be permitted to transport freight to the end of their lines and there deliver it to other contract carriers for delivery to its ultimate destination on through billing. It would appear that the contractual relations so indispensable to contract carriage is

is wholly lacking, particularly with those carriers participating in the movement who never saw or contracted with anyone with the possible exception of the carrier from whom they received the shipment. Even that remote possibility does not exist here as respondents receive the shipment in the guise of a contract carrier, and deliver it as a common carrier. This Dr. Jekyll and Mr. Hyde identity is confusing to the utmost degree and hardly seems appropriate under the statutory provisions of this State which contemplate separate and distinct legal identities among highway carriers.

But recently in the joint application of three common carriers, Re Application of Rio Grande Motor Way, Inc., Application No. 2906, we granted a certificate of public convenience and necessity for joint through service between Denver and Durango, Colorado by three connecting motor vehicle common carriers, and in our order of February 5, 1936, in Case No. 1585, Decision No. 7118, we have required connecting line motor vehicle common carriers to publish joint through rates. This was done in the public interest and in recognition of the statutory mandate. To permit private contract carriers to do likewise would have the effect of creating a large number of additional common carriers without proof of public convenience and necessity, and result in unnecessary and detrimental duplication of service.

We have been somewhat undecided whether Permit A-319 should be revoked, or that respondents be required to cease and desist from transporting any freight in intrastate commerce to any points intermediate to Denver and the Colorado-Kansas state line. The evidence shows that ample interstate authority exists under certificate No. 477 issued in Application No. 1973, to permit respondents to operate in interstate commerce between Brighton, Colorado and the Colorado-Kansas state line, and intermediate points, and to Springfield, Fritchett and Walsh in interstate commerce. It was indicated at the hearing herein that if respondents could not serve intermediate points under permit A-319, they did not need it at all. Under the circumstances, we have concluded that to revoke permit A-319 in its entirety would not deprive respondents of any rights to operate in interstate commerce, and would, therefore, place no burden on interstate commerce. To merely require respondents to cease and desist would leave the way open for continued unlawful operations, and we do not believe that we are without authority to prevent future extensions of authority particularly in view of the

record made here and the position taken by respondent F. W. Schultz at the hearing.

Therefore, the Commission is of the opinion and so finds that respondent F. W. Schultz, as the holder, and respondents F. W. Schultz and Mammel Schultz, doing business under the firm name and style of Schultz Brothers, as the operators, of private permit No. A-319, have enlarged, extended, and exceeded the authority granted by said private permit by rendering service to points intermediate to Denver and the Colorado-Kansas state line, and by transporting shipments from Denver to Walsh, Colorado, in connection with the motor vehicle common carrier operations carried on by respondents under the authority of certificate of convenience and necessity No. 477, without lawful authority therefor and in violation of the terms and provisions of said permit No. A-319. The Commission is further of the opinion and so finds, that said private permit No. A-319 heretofore issued to respondent F. W. Schultz, should be cancelled and revoked.

O R D E R

THEREFORE, IT IS ORDERED, By the Commission that private permit No. A-319, heretofore issued to respondent F. W. Schultz, be, and the same is hereby, cancelled and revoked, and that on and after the effective date of this order, respondent F. W. Schultz be, and he is hereby, ordered to cease and desist from transporting any freight or otherwise operating motor vehicles upon the public highways of this state under said permit as a private carrier by motor vehicle.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. V. O'Connell

W. L. Danks

W. L. Danks

Commissioners.

Dated at Denver, Colorado,
this 2nd day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF ROBERT COLMAN FOR CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY
TO OPERATE TRUCK SERVICE AS A COMMON
CARRIER, OF COMMODITIES GENERALLY
INTRASTATE BETWEEN PUEBLO AND GRAND
JUNCTION, AND ALL INTERMEDIATE POINTS
WITH CERTAIN EXCEPTIONS IN REGARD TO
POINTS BETWEEN PUEBLO AND SALIDA.

APPLICATION NO. 3155

IN THE MATTER OF THE APPLICATION OF
U. S. READ, DOING BUSINESS AS THE
U. S. READ TRUCK LINE, FOR A CERTI-
FICATE OF PUBLIC CONVENIENCE AND
NECESSITY TO OPERATE A MOTOR TRUCK
FREIGHT AND EXPRESS SERVICE BETWEEN
SALIDA AND LEADVILLE, COLORADO, AND
INTERMEDIATE POINTS.

APPLICATION NO. 968-AB

IN THE MATTER OF THE APPLICATION OF
W. D. VANDENBURG FOR A CERTIFICATE OF
CONVENIENCE AND NECESSITY.

APPLICATION NO. 3261

September 14, 1936

Appearances: Monyihan, Hughes and Knous, Esqs.,
Montrose, Colorado, and J. F. Rowan,
Denver, Colorado, for Colman Freight
Service;
Marion F. Jones, Esq., Longmont, Colorado,
for W. D. Vandenburg;
George Swerer, Esq., Denver, Colorado, and
Eugene Bond, Esq., Leadville, Colorado,
for U. S. Read Truck Line;
T. A. White, Esq., Denver, Colorado, for Rio
Grande Motor Way, Inc., and The Denver
and Rio Grande Western Railroad Company;
Z. D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Association;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company
and Keith Truck Line.

S T A T E M E N T

By the Commission:

On March 27, 1936, Robert Colman filed his application for certificate
of public convenience and necessity to operate a common carrier motor vehicle

transportation system for the transportation of freight and express between Pueblo, Colorado and Grand Junction, Colorado, and all intermediate points, except local service between Pueblo and Salida and intermediate points.

The Commission, by order, in Case No. 1585 (Decision No. 7118) of date February 5, 1936, effective April 1, 1936, having prescribed rates for the transportation of freight between points served by motor vehicle common carrier lines, and there being no common carrier truck operation between Pueblo and points west of Salida, said application was set for hearing at Pueblo, Colorado, on March 31, 1936, notice thereof being served on U. S. Read Truck Line, Southwestern Transportation Company, Keith Truck Line, The Denver and Rio Grande Western Railroad Company, Railway Express Agency, Inc., and Boards of County Commissioners of Pueblo, Fremont, Chaffee and Lake Counties and the Cities and Towns of Salida, Canon City, Florence, Pueblo, Leadville and Buena Vista.

At the hearing in Pueblo, Zene D. Bohrer, Esq., appeared for Motor Truck Common Carriers Association, T. A. White, Esq. for Rio Grande Motor Way, Inc. and The Denver and Rio Grande Western Railroad Company and J. D. Blunt, Esq. for Southwestern Transportation Company and Keith Truck Line entered appearance and in behalf of their respective clients stated that they had no objection to the issuance of certificate for the service indicated.

During the hearing, Mr. Marion F. Jones informed the Commission that he (by telephone) had just been advised by U. S. Read that he had not received notice of the hearing on Colman's application in time to make arrangements to be present and that while he might not have any objections to the issuance of certificate, he would like to reserve his rights and have an opportunity to be heard later should he elect to protest the granting of certificate as prayed for.

In behalf of applicant, it appeared that Pueblo is the second city in point of size in the State of Colorado and a manufacturing and distribution center; that the territory between Canon City and Pueblo is served by Southwestern Transportation Company and Keith Truck Line and that the territory between Pueblo and points west of Canon City, as far as Salida, is served by the Read Truck Line; that there is no common carrier service between points west of

Salida and Leadville; that applicant Colman operates a motor vehicle common carrier trucking service under certificate from the Commission between Denver and points west of Leadville as far as Grand Junction, there being no motor vehicle common carrier service into Leadville out of Denver, via Pueblo, or via Colorado Springs or Fairplay; that the granting of certificate as prayed for to Colman by combination of common carrier motor vehicle services, would establish a common carrier motor vehicle service between Denver, Colorado Springs, Pueblo, Canon City, Salida, Leadville and points west as far as Grand Junction; that without rate regulation which could be secured only through the inauguration of a motor vehicle common carrier service between Leadville and Pueblo, "truckers will run wild on rates"; that there is considerable trucking business eastbound to points east of Salida, including Pueblo, which originates on the Western Slope and some interstate business out of Salt Lake City in the way of candy, preserves, canned goods, etc.; that applicant Colman has a record of successful motor vehicle operations through difficult territory over a period of years; that he proposes to transfer freight out of Pueblo (unless the volume does not permit) to his other trucks between Denver and Grand Junction at Leadville; that the additional freight can be conveniently handled because he has been carrying freight as a private carrier Denver to Leadville, the Pueblo freight filling the space vacated by the freight unloaded at Leadville, and the additional revenue derived from the freight pick-up between Salida and Pueblo will help defray the expense of the long operation Denver to Glenwood Springs and Grand Junction. It further developed that Mr. Colman had three International trucks, one 1½-ton Chevrolet truck and a Chevrolet pick-up, which he was using in his transportation service and expected to add additional equipment to take care of the Pueblo operation if granted a certificate; that he expected to operate tri-weekly Pueblo to Leadville and would increase to five-times-a-week if business justified; that he maintained pick-up service at Grand Junction and owned a garage with equipment, located at Grand Junction, where his trucks were serviced; that Duffy operated a pick-up service for him in Denver and he would make similar arrangements at Leadville and Pueblo and other points where

necessary and would arrange for interchange of freight with connecting lines.

On March 31, 1936, following the hearing, the Commission by order found that ~~there~~ an emergency existed and granted a certificate to Mr. Colman authorizing the operation by him of a regular scheduled motor vehicle freight service for the transportation of freight for the general public, between Pueblo and Grand Junction, Colorado, and all intermediate points west of Salida, until the further order of the Commission, no local service to be performed between Pueblo and Salida in competition with duly authorized motor vehicle common carriers operating between said points. The order further provided that unless protests were filed by interested parties within twenty days from the date of said order, that the same should become final without further hearing and should be and operate as a permanent certificate of public convenience and necessity to the extent hereinbefore provided.

On April 13, 1936, in the above styled matter, a communication was received from Mr. Marion F. Jones stating, "I hereby wish to make protest on behalf of the U. S. Read Truck Line of Salida against the issuing of any certificate until hearing has been held after the required legal notice. I wish also to file similar protest in behalf of the Vandenburg truck service for which an application is being filed for service between Pueblo and Grand Junction, via Leadville and including service from Pueblo to Leadville."

On April 13, 1936, W. D. Vandenburg filed his application with the Commission (Application No. 3261) for a certificate of public convenience and necessity to engage in the transportation of freight by motor vehicle between Pueblo and Colorado Springs and Grand Junction, via Leadville and intermediate points, on schedule, except local service between Pueblo and Grand Junction and between Colorado Springs and Pueblo and competitive service with any scheduled common carrier motor vehicle operators. Application further recited it was the general purpose of applicant to deliver freight picked up in Pueblo and Colorado Springs to points on U. S. Highway No. 40-S and to deliver freight picked up at Grand Junction and Leadville and intermediate points to points south and east of Leadville along the route specified.

On May 21, 1936, said Colman application and said Vandenburg application were set for hearing at Leadville on June 17, 1936, at 10:00 o'clock a. m., due notice thereof being given to interested parties.

On June 11, 1936, U. S. Read, doing business as the U. S. Read Truck line, filed his application for a certificate of public convenience and necessity to extend the common carrier motor vehicle freight and express service operated by him between Pueblo and points on U. S. Highway No. 50 between Canon City and Salida, Colorado, to include freight service between all points west of Salida on U. S. Highways Nos. 285 and 40-S as far as and including the city of Leadville. Said application was set on short notice for hearing at Leadville on June 17, 1936.

At the hearing in Leadville, Mr. Lee Knous, of Moynihan, Hughes and Knous, appeared for Colman Truck Line.

Over the objection of counsel for U. S. Read Truck Line and counsel for W. B. Vandenburg, the several applications were consolidated for hearing and heard.

By stipulation of parties, the testimony taken at the Pueblo hearing on March 31 on the Colman application was made a part of the record herein.

For applicant Colman, the evidence disclosed that since the granting of temporary certificate at Pueblo on March 31, 1936, he had been operating a tri-weekly scheduled motor vehicle truck service for the transportation of freight between Pueblo and Leadville which connected at Leadville with his daily scheduled common carrier motor vehicle Denver to Grand Junction, via Leadville, freight service, the operation between Leadville and Grand Junction being consolidated; that while the Pueblo-Leadville operation had not paid for a period of more than 30 days, the volume now being handled was sufficient to justify tri-weekly service; that prior to inauguration of his common carrier service, Mr. Goldsworthy and Mr. Vandenburg, severally, had operated private carrier service out of Pueblo to Grand Junction, Goldsworthy by way of Leadville and Vandenburg by way of Colorado Springs; that Mr. Goldsworthy had discontinued his operation and had turned some business to him and was handling the Pueblo operation for Mr. Colman; that he had purchased some

new equipment for the Pueblo operation, had leased some trucks and otherwise had improved his service; that he maintained a pickup service at Grand Junction and Leadville operating three pickup trucks, and leased docks at Denver and Pueblo, his pickup service being handled at Denver by Duffy and at Pueblo by Weicker; that he had pickup and delivery service at Glenwood and interchanged freight at Salida originating at Grand Junction and other points west with Rio Grande Motor Way, Inc., for San Luis Valley points, and interchanged with Weicker at Pueblo for points south, east and north of Pueblo; that he handled some business out of Canon City going to points west of Salida; that freight leaving Grand Junction in the morning reached San Luis Valley points by transfer through Salida on the following morning; that the inauguration of the Pueblo operation had justified the opening of an office in Leadville and operation of his own pickup truck there and had justified increasing his facilities at Grand Junction, thus affording better service for the public on both operations; that in his judgment one common carrier operation out of Pueblo was sufficient and could be combined at Leadville with his Denver-Grand Junction operation; that in his judgment a certificate out of Colorado Springs or by way of Colorado Springs was not needed because his line out of Pueblo was handling Colorado Springs freight delivered to it by Weicker, arriving at Pueblo 4:00 P.M., Colman leaving Pueblo at 6:00 P.M.; that it was much more important to furnish common carrier service from and to points west of Salida to and from points east of Salida in the Arkansas Valley; that there had been no complaints about service furnished by him under the temporary certificate and that he personally devoted all his time to road service; that he had been handling from three to five tons of freight per week between Salida and points west; that he employed six men and a bookkeeper in his operation; that Smith Drug Company, a large wholesale house in Grand Junction, Lundgren and Lundgren of Gypsum, the Western Hardware of Leadville, Horman Manufacturing Company of Grand Junction and Pueblo, and other stores, had requested Pueblo service; that in his judgment, operation via Salida was faster and would be less affected by weather conditions than an operation via Colorado Springs; that the Rio Grande Motor Way bus operation Pueblo to Leadville

had been operated daily for a year without loss of time due to weather conditions. Mr. Colman also stated that it was impractical to transfer some commodities at Leadville which were shipped out of Pueblo and cited plate glass as an example, the glass being loaded by means of a crane at the Florman yard in Pueblo and unloaded by means of a crane at the Florman yard in Grand Junction. He also had derricks and other equipment available to load and unload machinery and heavy commodities.

Mr. Joseph Kerzan, a prominent merchant of Leadville and manager of Frank Zaitz Mercantile Company, stated that the Colman service had been generally satisfactory; that Colman's Pueblo service arrived Leadville in the morning, the Vandenburg service at noon, and that he preferred the morning service; that Vandenburg service and that of the railroad had been satisfactory.

Mr. Harvey D. Leonard testified for the Leadville Chamber of Commerce stating that common carrier truck service from Pueblo to Leadville was needed.

Mr. George T. Symes, of the Florman Manufacturing Company of Pueblo and Grand Junction, stated that his concern had used Colman service for five years out of Grand Junction and more recently out of Pueblo, and found it to be very satisfactory; that Mr. Colman gave the freight service his personal attention and that it was practically an express service.

Mr. J. D. Blunt, representing the Southwestern Transportation Company, stated that it was very convenient to have an agency available for the movement of freight from Canon City west and vice versa; that his company had interchanged freight with Colman and had no complaints relative to Colman service; that Colman's service had been indorsed by the Canon City Chamber of Commerce; that the Read service and interchange of freight in the past had been satisfactory; that it would be agreeable for his line to haul to Colorado Springs and there interchange with Vandenburg, but that Colman's direct line service through Canon City would be better, more direct and faster than service by way of Colorado Springs to Leadville and points west.

Mr. Merritt Desmond, a druggist of Redcliff, stated that Colman's service had been very satisfactory and that while a limited use of the Vandenburg service by him had been satisfactory, Colman had more trucks and prompter service.

Mr. C. A. Dewey, of the G. D. Smith Drug Company of Grand Junction,

distributors of drugs and drug sundries, tobacco and candy, to all Western Slope points, stated that Colman's service was the best service into Grand Junction from Eastern Slope points.

C. D. Patrick, Grand Junction shipper of tires, oil and batteries, stated that Mr. Colman was a customer of his and that he shipped 75 per cent of his freight by Colman truck to his entire satisfaction.

Financial statement submitted in behalf of applicant Colman showed a net worth of approximately \$7,000, six International trucks from $1\frac{1}{2}$ -ton to 5-ton capacity, one Chevrolet $1\frac{1}{2}$ -ton truck, one Dodge pick-up and one 1936 Chevrolet car.

Vandenburg, in his behalf, stated that he was operating as a private carrier by motor vehicle for hire under Permit No. A-347 and had been transporting freight from Denver to Pueblo and Colorado Springs, and from Pueblo via Colorado Springs to Grand Junction for four years last past, being authorized to use U. S. Highways Nos. 50 and 40. During the first year of his operation, he ran once weekly and for the past three years has operated twice weekly until three months ago when he increased his operations to three times a week in order to satisfy his customer Loose-Wiles. He did not intend to render local service between Colorado Springs and Pueblo or between Grand Junction and Leadville or through service Denver to Grand Junction via Leadville, and was willing to have that part of his permit cancelled should certificate be granted. However, he wanted to continue serving Delta and Montrose under his "A" permit. In his service Delta to Montrose, he proposed to use separate equipment; that he was of the opinion that some connection could be arranged whereby Canon City and San Luis Valley points could be served by common carrier connecting with his line at Buena Vista or Colorado Springs; that by way of equipment, he owns a two-ton 1936 Reo and a 1933 two-ton Dodge of the value of \$2,300 (incumbered for \$780), and has a two-ton 1935 Reo under lease from one James Roberts, his net worth being about \$2,500.00; that probably one more truck would be needed if he were granted a common carrier certificate, and he is in a position to purchase it; that while it might be desirable to operate by way of Canon City or Salida in order to serve said points, he is sure of a load from Pueblo to Colorado Springs and points west at least three times weekly

and that he will continue his operation as a Class "A" private carrier even though he is not granted a certificate; that if tonnage develops, he will increase the number of his trips; that he has docking and pick-up facilities by contractual arrangement at Pueblo, Colorado Springs and Grand Junction; that he has a commercial carrier permit and would continue his commercial carrier operations out of Grand Junction even though he were granted a common carrier certificate; that he handles about 45,000 pounds of freight weekly out of Pueblo and Colorado Springs; that he employs six men, has fourteen customers in all, three of whom are in Colorado Springs; that it is approximately 310 miles from Canon City to Grand Junction by way of Salida and 365 miles by way of Colorado Springs, "the worst pull" on the two roads being from Canon City to the Royal Gorge; that practically all his Pueblo business is consigned to Leadville, a small percentage from Pueblo being consigned to Buena Vista; that he has no back haul to Pueblo from Leadville and Buena Vista; that he intends to use three trucks under his proposed certificated operation and one truck under his permit and contemplates serving the same customers, to different destinations however, under the two operations.

Mr. T. E. Lewis, who operates stores at Gilman, Eagle and Gypsum, stated that he had used the Vandenburg service out of Pueblo occasionally and always found it to be satisfactory.

Mr. George Dains, Grand Junction salesman for Loose-Wiles, stated that his concern used the Vandenburg service Pueblo to Leadville and Grand Junction and points intermediate Leadville to Grand Junction and found it to be satisfactory. The same sentiment relative to the Vandenburg service was expressed by Milton Hansel, a merchant of Leadville, who shipped by Vandenburg truck line via Colorado Springs.

In behalf of Mr. Read, it appeared that his trucking operations were conducted under PUC No. 372 and Private Permit No. A-467; that he operated daily except Sunday from Pueblo to Salida, serving intermediate points west of Canon City under his certificate and infrequently operated between Salida, Grand Junction, Leadville and Montrose under private permit No. A-467; that he had a pickup service in Pueblo and Salida; that if granted a certificate, he

proposes a daily except Sunday service between Pueblo and Leadville, leaving Pueblo in the evening and arriving at Leadville 6:00 o'clock the following morning; that he owns three trucks, a 1934 1½-ton Ford, a 1935 International of the same capacity and a 1929 Dodge of 3-ton capacity; that he is in a position and will purchase additional equipment if required; that his net worth is \$5,600; that he would be willing to exchange freight with connecting carriers at Leadville; and that his "A" permit may be cancelled should certificate be granted.

Mr. C. W. Smith, a retired mail clerk of Salida (at present bookkeeper for Hartman-Lyons Ice Company), testified that Read service had been satisfactory, that he was willing to lend him some money and that he thought it would be better to extend Read's existing satisfactory service than to grant a "leap frog certificate" over Read's line.

Mr. D. A. Argys, a grocer, auto and truck dealer of Salida, stated that he would sell Mr. Read, who had been a customer of his, one or two International trucks on credit.

Mr. Carl Spino, of Salida, who operates a filling station and grocery store, stated that he and Read were customers respectively of each other and that Read's services were satisfactory.

Various cases, records, certificates and permits involving the respective parties were made a part of the record by stipulation.

From the foregoing, it will be observed that while Colman does not propose to serve locally points intermediate Pueblo to Salida, he will haul freight from and to points Pueblo to Salida to and from points west of Salida, via Leadville, and as far as Grand Junction over territory now served in whole or in part under certificates by Southwestern Transportation Company, Keith Truck Line and U. S. Read; that U. S. Read, while already authorized to serve from Pueblo to points west of Canon City as far as Salida, now transports freight consigned to said points west of Canon City from Pueblo over said territory served by Keith Truck Line and Southwestern Transportation Company, and should certificate be granted will be transporting Leadville merchandise over said line Pueblo to Canon City under his existing "leap frog certificate" to and from points west of Salida as far as Leadville. Colman is already authorized to

serve under certificate to and from Denver from and to points west of Leadville to Grand Junction. Vandenburg if granted a certificate will transport merchandise over the territory served by common carrier line of Weicker Transportation Company, Pueblo to Colorado Springs and west over line of Cripple-Creek Stages in part and Colman's line from points west of Leadville to Grand Junction.

The record as made presents a situation where the Commission might grant a certificate to any one of the three applicants and the public thereby be reasonably assured of a satisfactory operation. They are men of experience in the transportation business and have shown themselves to be capable and dependable operators. Practically every witness testifying in behalf of the respective claimants conceded that the past service of each applicant had been satisfactory and that personally there was no choice among them.

There was some evidence to the effect that services proposed by Mr. Vandenburg by way of Colorado Springs was slower and more hazardous than the service proposed by Read and Colman by way of Canon City and Salida, and that Canon City, Salida and San Luis Valley points needed a more direct service than that proposed by Vandenburg. While freight consigned to Canon City and points between Canon City and Pueblo might be satisfactorily interchanged at Colorado Springs, Southwestern Transportation Company, freight from and to San Luis Valley points and points Canon City to Leadville would be more satisfactorily interchanged at Salida or Leadville, which ultimately would require a common carrier service between Leadville and Salida, or perhaps the granting of a certificate to Read in the instant case as well as to Vandenburg if Vandenburg's application were granted.

While Mr. Read has been a satisfactory operator, is experienced and has or can obtain equipment necessary to conduct the extension between Leadville and Salida, it did not appear from the testimony that he has canvassed the merchants of Pueblo, Leadville or other points which will be served by the proposed line and has not made any arrangements in Leadville for customers, dockage, etc. Apparently he thinks, without investigation, that sufficient business will develop to justify the venture.

Mr. Vandenburg and Mr. Read have approximately the same amount of equipment. Mr. Read's net worth is in excess of that of Mr. Vandenburg. Mr. Colman maintains an adequate garage and service department at Grand Junction for the maintenance and care of his equipment. Neither Mr. Read nor Mr. Vandenburg has such facilities. Mr. Colman has superior dock facilities and pick-up and delivery service at principal points along the contemplated line. The evidence disclosed that Colman's freight service as a common as well as a private carrier to Leadville and other points on the Western Slope for years past has been highly satisfactory. Mr. Vandenburg has a limited number of customers in Leadville and points west. His business to a large extent has embraced the buying of fruit and produce on the Western slope and its resale after transportation by him in eastern markets. He intends to continue this business which no doubt has proven profitable, although it might interfere with his common carrier operations. Mr. Read, so far as the record discloses, hasn't any customers in Leadville or Western Slope points. Mr. Colman is a resident of the Western Slope and his connections there and years of service as a common carrier in that community, no doubt would insure a sufficient amount of business to justify continuation of the operation. His successful operating experience under adverse operating conditions over the longest common carrier motor vehicle freight line in the state may be equaled but is not excelled by that of Mr. Vandenburg. It is not disputed that Mr. Colman's operation as a common carrier out of Pueblo to Leadville, Glenwood Springs, Grand Junction and other points west of Salida, has been highly dependable and satisfactory. He has operated in good faith since April 1st and has provided extra equipment and facilities to meet the requirements of such operation. While it is true that Mr. Read has been in the trucking business for many years and has been operating between Pueblo and Salida for a considerable period of time, and while it is true that Mr. Vandenburg has been serving Leadville and other points west thereof out of Pueblo longer than either of the applicants, it is also true that Mr. Colman's application for a common carrier certificate was first in point of time.

Apparently they deferred action until Colman acted and did not file their applications until the temporary certificate was granted to Colman.

While priority of filing of applications is not controlling, the Commission on a number of occasions has held that where one of two applications for certificates authorizing motor carrier service should be granted, the certificate should go to the one whose financial condition is somewhat stronger and whose application was first, other considerations being equal. See In Re Armentrout, PUR 1927E, 728; Re G. Dunger, et al, Appls. Nos. 1351, 1368, Dec. No. 2263; Re Geo. J. Ehman, Appl. No. 1513, Dec. No. 2777; Re E. R. Gerard, Appl. No. 1489, Dec. No. 3217.

After a careful consideration of the record, the Commission is of the opinion and finds that the public convenience and necessity requires the establishment and operation of the proposed motor vehicle common carrier system of applicant, Robert Colman, doing business as Colman Freight Service, for the transportation of freight and express by motor vehicle between Pueblo and Grand Junction and all intermediate points, without the right to serve locally between Pueblo and Salida and points intermediate thereto, and that certificate of public convenience and necessity should issue therefor, and that the applications of U. S. Read, doing business as The U. S. Read Truck Line, and W. D. Vandenburg in all respects should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the motor vehicle common carrier operations of Robert Colman, doing business as Colman Freight Service, for the transportation of freight and express by motor vehicle between Pueblo and Grand Junction and all intermediate points, without the right to operate locally between Pueblo and Salida and points intermediate thereto, and that this order shall be, and hereby is deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applications of U. S. Read, doing business as The U. S. Read Truck Line, and W. D. Vandenburg for

certificates of public convenience and necessity, and each of them, should be, and they hereby are denied.

IT IS FURTHER ORDERED, That applicant Robert Colman shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That applicant Robert Colman shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

W. C. Danks

Maclain Siskin

Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF R. B. HEUETT FOR A CLASS "A") APPLICATION NO. 3363-PP.
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

September 4, 1936.

Appearances: Z. D. Bohrer, Esq., Denver, Colorado,
for Lyon and Thompson and The Motor
Truck Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colo-
rado, for the Colorado Trucking Asso-
ciation;
A. J. Fregeau, Denver, Colorado, for
Union Delivery Company and Weicker
Transportation Company.

S T A T E M E N T

By the Commission:

Heretofore, to-wit, on August 12, 1936, the above styled matter was
dismissed for lack of prosecution.

The applicant, notwithstanding he had received due notice, failed to
appear at the hearing in Denver on July 28, 1936. The Commission in apt time
received a communication from Mr. Heuett requesting that said order of dis-
missal be set aside and said application be reset for hearing.

After a careful consideration of the record, the Commission is of the
opinion, and finds, that said request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the order dismissing the above styled
application for lack of prosecution (Decision No. 8225) of date August 12,
1936, should be, and the same hereby is, set aside and held for naught.

IT IS FURTHER ORDERED, That said application should be, and the same
hereby is, set for hearing at the Court House in Greeley, Colorado, on Septem-
ber 11, 1936, at 10:00 o'clock A.M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Donnell
W. E. Danks
Walter E. Evers
Commissioners.

Dated at Denver, Colorado,
this 4th day of September, 1936.

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(Decision No. 8389) 912

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
BERTIE TOWERS, BURLINGTON, COLORADO,)
FOR CERTIFICATE OF PUBLIC CONVENIENCE) APPLICATION NO. 3256
AND NECESSITY.)

-----)
IN THE MATTER OF THE APPLICATION OF)
PAUL G. ZIMMERMAN, BURLINGTON, COLO-) APPLICATION NO. 3257
RADO, FOR CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY.)
-----)

September 4, 1936.

S T A T E M E N T

By the Commission:

On June 18, 1936, in Decision No. 7708, the Commission granted a certificate of public convenience and necessity in Application No. 3256 and in Application No. 3257.

On June 27, 1936, an application for re-hearing in the above entitled applications was regularly filed with the Commission.

After careful consideration of the record and the application for rehearing and after conference with Bertie Towers, Paul G. Zimmerman and Frank W. Miller, the Commission is of the opinion that a re-hearing should be granted.

O R D E R

IT IS THEREFORE ORDERED, That re-hearing be had on each of the above applications and that Application No. 3256 made by Bertie Towers, Burlington, Colorado and Application No. 3257 made by Paul G. Zimmerman, Burlington, Colorado, be and each of said applications is hereby set for re-hearing at the Hearing Room of the Commission, Denver, Colorado, on Thursday, September 10, 1936, at 1:00 o'clock P.M., and that a copy of this order be sent

to all of the parties appearing at the original hearing.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. H. Danks

W. H. Danks

Commissioners

Dated at Denver, Colorado,
this 4th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

* * * *

IN THE MATTER OF THE APPLICATION)
OF ELLING PEDERSON TO TRANSFER)
TO MINNIE NELSON HIS CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3266-A

August 25, 1936

S T A T E M E N T

By the Commission:

On August 5, 1936, in Application No. 3266 (Decision No. 8202), a certificate of public convenience and necessity to operate a bus line for the transportation of passengers and baggage between Leadville and Climax, Colorado issued to Elling Pederson.

It now appears that Mr. Pederson has been unable to secure the necessary insurance or otherwise meet the requirements of the Commission, and has sold the authority granted in said decision to Minnie Nelson.

It further appears that an emergency exists and that bus service for the transportation of passengers and baggage between Leadville and Climax is necessary and that unless said certificate is transferred immediately, the said Minnie Nelson cannot qualify and said service cannot be rendered.

It further appears that the said Minnie Nelson, pecuniarily and otherwise, is qualified to handle said operation.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Elling Pederson should be authorized to transfer said certificate forthwith to Minnie Nelson and that said matter should be set for hearing at the Court House in Leadville, Colorado, on September 15, 1936, at 2:00 o'clock P. M. for such further proceedings as may be required.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that the transfer of the certificate of public convenience and necessity granted in Application No. 3266 (Decision No. 8202) by Elling Pederson to Minnie Nelson should be, and the

same hereby is, approved, provided that if formal protests are filed by interested parties on or prior to the 14th day of September, A. D., 1936, with the Commission against said transfer, said matter shall be reopened and formally heard upon application for transfer, at Leadville, in the District Court Room, on September 15, 1936, at 2:00 o'clock P. M.

IT IS FURTHER ORDERED, That the above styled matter be, and the same hereby is, set for hearing at Leadville, Colorado, at the time and place aforesaid, for such further action as the Commission may desire.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Walter Britton
Commissioners

Dated at Denver, Colorado,
this 25th day of August, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
FLORENCE HART FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY,)
AUTHORIZING THE OPERATION BY APPLI-)
CANT AS A COMMON CARRIER FOR THE)
TRANSPORTATION OF PROPERTY AS DE-)
SCRIBED IN APPLICATION.)

APPLICATION NO. 3570.

Sept 5, 1936.

Appearances: Worth Allen, Esq., Denver, Colorado, for
the applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn., The
Golden Transfer, Sorenson Truck Line,
Yockey Trucking Line, Norman Rhyno,
E. J. Rawson and C. P. Blakeley;
Winston S. Howard, Esq., Denver, Colorado,
for The Livestock Common Carriers Assn;
M. A. Harsch; R. M. Slapper, Dewey Bibbey
and R. J. Horn;
John Q. Dier, Esq., Denver, Colorado, for
The Colorado and Southern Railway and
The Chicago, Burlington & Quincy R.R;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

On July 22, 1936, Florence Hart filed an application for a certificate of public convenience and necessity authorizing the conduct of an operation which would cover practically the same operation as has been conducted heretofore under A-585.

It appeared from the testimony given at the hearing that Guy B. Hart has for some time possessed a dump truck and at times performed some service in or around Longmont, Moving gravel and other construction materials with this dump truck and in order to not conflict their operations, Permit No. A-585 was taken out in the name of Florence Hart, his wife, who seeks authority to serve customers within a 10 mile radius of Longmont, Colorado, as the major part of their business.

It was disclosed that Guy Hart has been engaged as a ranch hand, as a truck driver and as a truck operator under the above numbered permit, for a number of years last past, and that he is regarded as an especially well qualified man in the handling of cattle.

It appears that Hart has developed a lucrative business among the larger stock feeders in the vicinity of Longmont by moving stock from pastures to feed lots, from farms to feed lots and from one feed lot to another; and that his business has grown until he utilizes two International trucks and keeps them busy most all the time.

Mr. T. E. Ludlow, one of the more substantial feeders in the Longmont vicinity, who feeds upwards of 6,000 head per season stated that he moved around 800 head by truck and when loading railroad cars, if there was part of a load left, they were sometimes sent to market by truck, that he invariably used Hart's service and at times found that Hart was not qualified under Permit A-585 to go to all places where his services were needed. Mr. Ludlow stated that he much preferred the service of a local man, and very seldom went to the trouble to call a Denver operator for the reason that it took too much time to get an outside trucker on the ground and acquaint him with the conditions at the feed lots.

J. H. Able and Ed McPhillips, both farmers and stock dealers testified that the services of the applicant were very much needed by the public, particularly in connection with the stock feeding business in the Longmont vicinity. They both testified that on account of his special qualifications and readiness to serve that they preferred him to Sorenson, Boze, and others, all of whom they had used at times and had no complaint to make about the service of these other operators.

Mr. R. E. Van Asyoc, who conducts an auction sale establishment at Longmont stated that his sales business required the use of many trucks to move stock to and from the weekly sales conducted thereat. The witness testified that there was not sufficient authority at this time to take care of all of the movements of stock in the Longmont area.

W. A. Boze, holder of Certificate No. 509 of Longmont testified that in his opinion all of the authorized carriers transporting stock in the Longmont area were needed during the feeding periods and that he also felt that the public convenience required that the Hart service be changed to a common carrier, that he might be on an equal with other carriers in the rendition of this service.

Leo Friedenthal of Denver, Colorado, testified that he had six

ranches south of Denver and seven feed lots in the Longmont area, all of which were operated during the feeding season; that his firm handled in the neighborhood of 1800 head of cattle in these various feed lots and on the pastures south of Denver; that he had used a great many truckers in the vicinity of his ranches near Elbert, Castle Rock and other points, but that the services of Hart were much more satisfactory on account of Hart's particular knowledge of the feed lots and the customs of his firm; and that at times a number of cattle were loaded south of Denver, some to be dropped off at the stock yards in Denver, others to be delivered to different feed lots in the Longmont area, and when Hart had charge of this movement, he was not required to send anyone along as he was familiar with just what to do with the different allotments of cattle.

Chris Sorenson, holder of Certificate No. 489, testified that he had two fourteen foot stock racks on his trucks, that W. A. Boze, Thomas West, C. P. Blakeley, F. G. McKee, M. A. Harsch, C. L. Stockton, J. J. Stroh, R. M. Slapper, Dewey Bibbey and others had authority to serve the Longmont area and that whenever he was unable to move stock as requested he called in the assistance of some of the above named operators and was invariably able to command enough help to move all stock without delay. It was the opinion of Sorenson that Hart could serve all of his feeder customers under Permit A-585. The witness testified that his trucks were busy 70% of the time during the heavier period with the exception of a few days. He also testified that Golden stood ready with additional trucks if they were required in the movement of stock, however Golden had not been moving stock in the past.

George Garrett of the McKie Transfer Company testified that he believed Hart's service to be a public necessity, at least the people sought its use, but that should a certificate be given to Hart, it was his opinion that Mrs. Hart's Permit No. A-585 should be cancelled. Mr. Garrett further stated that many line haul carriers such as McKie Transfer did not cater to farm service and particularly livestock hauls, however, his company did have a stock rack, but had not been hauling cattle of late years.

It further appeared that Hart has kept on file a customer list with approximately one hundred names thereon, for whom he had been hauling

during the past five years, that Hart interpreted his line haul as described under Permit No. A-585, from Fort Collins to Colorado Springs via U. S. Highway No. 87, to permit him to serve the area on either side of that line from Highway 285 on the east to the mountains on the west and that at times when he talked to someone at the office of the Public Utilities Commission he was given to understand that a line haul would permit him to serve on either side of the road but that no interpretation had ever been placed on his permit that would not permit him to go as far east as U. S. Highway No. 285

It was stipulated and agreed that Roy Burns, Frank Pace, Max Lesser and Milt Fryes, all of whom were present at the hearing room, would testify to the convenience and necessity of the Hart Operation as proposed, and that Hart had been going outside of the area granted in his Permit in order to serve them fully.

The financial standing and reliability of the applicant were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the public convenience and necessity require the motor vehicle operations of the applicant for the transportation of livestock, feeders supplies and farm products between points within a radius of twenty miles of Longmont, Colorado and between points in said area, and points outside thereof, all for customers residing in the above described Longmont area, and only such other customers living outside thereof as may maintain feeding lots within the above area.

The Commission further finds that the authority hereby granted will enable the applicant to serve in practically the same manner as heretofore without going beyond her authority; that the change will not impair authorized operators and that private permit A-585 should be cancelled in view of the ruling of the Commission in Decision No. 4955, Re E. B. Faus

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, Florence Hart, for the transportation of livestock, feeders supplies and farm products from point

to point within a radius of twenty miles of Longmont, Colorado, and from points in said area to points outside thereof, all for customers residing within said area and for such additional customers residing outside thereof as may maintain feeder lots within the above described Longmont area, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That Permit No. A-585, be, and the same hereby is cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. Danks

W. Danks

W. J. G. G. G.
Commissioners.

Dated at Denver, Colorado,
this 5th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
VICTOR WARD FOR A CLASS A PERMIT TO
OPERATE AS A PRIVATE CARRIER BY MOTOR
VEHICLE FOR HIRE.

APPLICATION NO. 2930-PP

September 14, 1936

Appearances: Mr. Lee Long, Denver, Colorado, for
applicant;
Mr. A. J. Fraegem, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colorado Transfer and
Warehousemen's Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Harold Swena.

S T A T E M E N T

By the Commission:

By order of the Commission dated February 25, 1936 (Decision No. 7258), the applicant herein was denied a Class B permit and in order of the Commission dated July 8, 1936, the application was reinstated with an amendment thereto, requesting authority to transport cement from the Colorado and Southern Railway near Golden to the Ralston Creek Dam now under construction, a distance of approximately four miles.

It was disclosed at the hearing that the applicant has four dump trucks; that he has a contract with the United Construction Company, said Company being low bidder for the construction of the Ralston Creek Dam, a part of the improvements now being made by the Board of Water Commissioners of the City and County of Denver; that this contract for the transportation of cement will require approximately 18 months to be executed; that this haul was let to the applicant in competition with other bidders and it also appeared that the Gallagher Transfer and Storage Company has a contract for the movement of a part of the cement going into said dam.

Mr. Fregean, representing the Weicker Transportation Company, stated that no objections were interposed to the granting of the permit to the applicant provided the rates involved were not in violation of the prescribed rate order heretofore issued by the Commission.

After a careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that said permit should be granted. We do not feel that the question of rates should be necessarily determinative of the question of whether or not the permit should issue. The Commission now has under re-consideration the question of the level of cement rates and we have heretofore prescribed such rates for common carriers, which become the minimum rates for private carriers under certain conditions. Any violation of these rates will be dealt with by the Commission as the circumstances may require. It is assumed that if a contract has been entered into by applicant, that is not in conformity with our rate order, that same will be modified to conform with the law.

ORDER

IT IS THEREFORE ORDERED, That Victor Ward be, and he hereby is, granted a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of cement from railroad switch near Golden to the site of the proposed Ralston Creek Dam under construction some four miles north of Golden.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

W. C. Danks

Wm. F. Fisk

Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
EVERETT R. DYER OF LIVERMORE, COLO-
RADO FOR A CLASS "A" PERMIT TO OPE-
RATE AS A PRIVATE CARRIER BY MOTOR
VEHICLE, FOR HIRE.

a-1680
APPLICATION NO. 3411-PF

September 10, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for Winscon and Lyon and The Colorado
Trucking Association;
Mr. A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

The above application was set for hearing at Longmont, Colorado, August 12, 1936, at which time and place the applicant failed to appear and a motion was made by protestants that the application be dismissed for lack of prosecution and for the further reason that it would impair protestants services now being rendered, which motion was taken under advisement.

On returning to Denver it was learned that through misunderstanding the applicant was told it was unnecessary to appear at the hearing as he probably would not need the permit, his only customer having made arrangements to lease trucks or acquire their own equipment.

It now appears that it is desirable for the applicant to conclude his application and obtain a permit, and he requests that the application be set for hearing at Walden, Colorado.

After careful consideration of the record the Commission is of the opinion and finds that the motion to dismiss should be denied and the application set for hearing at Walden, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the motion interposed by protestants be,
and the same is hereby denied and this application set down for hearing the 24th

day of September, 1936, at 1:00 P.M., at the Court House in Walden, Colorado, and
copies of this order be sent to all those served on the original application.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell

W. L. Danks

Malcolm E. Grier
Commissioners.

Dated at Denver, Colorado,
this 10th day of September, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
J. F. BAXTER, HALE, COLORADO, FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3457-FP

September 14, 1936.

Appearances: J. F. Baxter, Hale, Colorado,
 pro se;
 Zene D. Bohrer, Esq., Denver, Colorado,
 for Motor Truck Common Carriers Assn;
 Marion F. Jones, Esq., Longmont, Colorado,
 for Colorado Trucking Association;
 Winston S. Howard, Esq., Denver, Colorado,
 for Livestock Common Carriers Assn.

S T A T E M E N T

By the Commission:

As limited by his testimony the applicant seeks a Class "B" private permit authorizing the transportation of farm products including livestock from point to point within a radius of fifteen miles of Hale, Colorado and from said area to and from other points in the State of Colorado.

The financial responsibility and operating reliability of applicant were established to the satisfaction of the Commission. No objections were interposed to the granting of said permit and after a careful consideration of the record the Commission is of the opinion and so finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. F. Baxter of Hale, Colorado, be and he is hereby authorized to operate as a class "B" private carrier by motor vehicle for hire for the transportation of farm products including livestock from point to point within a radius of fifteen miles of Hale, Colorado and from said area to and from other points in the State of Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. H. Danks

Quinn E. Eason
Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN RE MOTOR VEHICLE OPERATIONS)
OF RED BALL TRANSFER & STORAGE CO.)

CASE NO. 1734

September 14, 1936.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission issued a show cause order against Red Ball Transfer and Storage Company, holder of Permit No. A-654, on account of violations of the rules and regulations of the Commission, for failure to keep on file necessary insurance, make monthly reports and pay highway compensation road tax, pursuant to which an order was entered revoking Permit No. A-654.

The Commission is now in receipt of a communication from the Red Ball Transfer and Storage Company of Sapulpa, Oklahoma, enclosing a check for \$10.00 covering the delinquent taxes; also monthly reports covering the months shown to be delinquent by the records in the offices of the Commission, and has now filed the necessary insurance.

After careful consideration of the record and the communications from the respondent, wherein it is disclosed that the respondent has complied with all of the requirements of the Commission, the Commission finds that the order heretofore issued in Decision No. 8317, revoking said permit should be rescinded and the permit reinstated, with a warning to respondent that hereafter it must be more careful in reference to our law, rules and regulations.

O R D E R

IT IS THEREFORE ORDERED, That the order contained in Decision No. 8317, heretofore entered on August 24, 1936, be, and the same is hereby set aside, and Permit No. A-654, be, and the same hereby is reinstated as of August 31, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Turner
John D. Banks
Malcolm Epstein
Commissioners.

Dated at Denver, Colorado,
this 14th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF A GENERAL INVESTIGATION OF THE FREIGHT RATES, AND CLASSIFICATION OF FREIGHT, OF ALL COMMON AND PRIVATE MOTOR VEHICLE CARRIERS.

CASE NO. 1585

(Re Sub-Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12.)

SUPPLEMENTAL ORDER

September 21, 1936.

Appearances: George Swerer, Esq., Denver, Colorado, for The Motor Truck Common Carriers Association; The McKie Transfer Company; Larson Transportation Company; Northeastern Motor Freight, Inc; Consolidated Fast Freight, Inc; Pueblo-San Luis Valley Transportation Co., Inc; Southwestern Transportation Company, and other carriers.

Mr. J. F. Rowan, Denver, Colorado, for The Motor Truck Common Carriers Association and member carriers; The Colorado Transfer and Warehousemen's Association, and for Colman Truck Lines.

T. A. White, Esq., and Mr. W. M. Carey, Denver, Colorado, for The Rio Grande Motor Way, Inc.

D. Edgar Wilson, Esq., and J. G. Hodges, Esq., Denver, Colorado, for Rocky Mountain Motors, Inc.

Mr. Edward Stein, Mr. F. C. Rockne, and Mr. F. O. Reed, Denver, Colorado, for Railway Express Agency, Inc.

E. L. Brock, Esq., Denver, Colorado, for Denver and Salt Lake Railway Company.

J. Q. Dier, Esq., Denver, Colorado, for Colorado & Southern Ry. Co., and B.B. & Q. R.R. Co.

Mr. P. H. Coon, St. Louis, Missouri, for Missouri Pacific Ry. Co.

Mr. A. J. Tait, Pueblo, Colorado, for The Nuckolls Packing Company.

Mr. L. A. Griffith, Central City, Colorado, for certain private motor carriers.

Arthur Aldrich, Esq., and Mr. G. H. Curnow, Idaho Springs, Colorado, for Curnow Livery and Transfer.

Richard E. Conour, Esq., and Mr. T. S. Wood, Rate Expert, Denver, Colorado, for The Public Utilities Commission.

Mr. A. J. Fregeau, Denver, Colorado, for Weicker Transp. Company, and Weicker Transfer and Storage Co.

Mr. W. G. Lyons, Pueblo, Colorado, for Traffic Bureau, Chamber of Commerce, and the Manufacturers and Distributors Association, Pueblo, Colorado.

Marion F. Jones, Esq., Longmont, Colorado, for
 The Colorado Trucking Association, C. C. Cox,
 Perry Truck Line, C. H. Capron and Luie
 Ammerman.
 T. S. Harp, Meeker, Colorado, for Harp Brothers.
 Bert Hall, Parker, Colorado, for Hall Truck Line.
 V. G. Garnett, Denver, Colorado, for The
 Colorado Rapid Transit Company.
 Mr. Harry Dicksinsen, Denver, Colorado, for
 Denver Chamber of Commerce.
 Worth Allen, Esq., Denver, Colorado, for Bennie
 Goldstein, J. D. Perry, A. L. Bethke, Northern
 Colorado Dairy Company.
 Winston S. Howard, Esq., Denver, Colorado, for
 various carriers of livestock.
 Mr. Winbourn McDonald, Denver, Colorado, for
 Carlsen-Frink Ice Cream Company, and Frink
 Creamery Company.
 Mr. R. W. Lents, Denver, Colorado, for Swift and
 Company.
 Mr. A. J. Baumann, Denver, Colorado, for Armour
 and Company.
 Mr. W. D. Harding, Denver, Colorado, for Oudaky
 and Company.
 Mr. M. B. Nichols, Fort Collins, Colorado, for
 Extension Service, Colorado State College.
 W. M. Rodgers and W. C. Moore, Denver, Colorado,
 for various milk shippers.
 Mr. E. B. Peterson, Colorado Springs, Colorado,
 for Woodward Truck Line.
 Robert S. Palmer, Esq., Denver, Colorado, for
 Colorado Mining Association.
 J. H. Harriss, Manzanola, Colorado, for Harriss
 Transfer Company.
 H. C. Fyfe, Chicago, Illinois, for the Western
 Classification Committee.
 George T. Kearns, Jr., and R. G. Chaney, Denver,
 Colorado, for Hercules Powder Company and
 Chaney Explosives Company.
 Albert L. Vogl, Esq., Denver, Colorado, for
 Northern Colorado Coals, Inc.
 E. W. Martindell, Denver, Colorado, for Ideal
 Cement Company.
 J. D. Welborn, Brighton, Colorado, for Kuner-
 Rapsen Company.
 O. P. Siddons, Colorado Springs, Colorado, for
 Holly Sugar Corporation.

S T A T E M E N T

By the Commission:

In our decision No. 7118 herein, dated February 5, 1936, we pre-
 scribed rates, charges, classifications and exceptions thereto, to be charged
 and collected on and after April 1, 1936, by all motor vehicle common car-
 riers operating in intrastate commerce within the State of Colorado and all
 private carriers by motor vehicle competing with any such motor vehicle common
 carrier or carriers. Prior to April 1, 1936, the effective date of said order,

we received several petitions for rehearing on certain rates covering several commodities. As a result of such petitions for rehearing, on March 25, 1936, by our decision No. 7419, we ordered a rehearing, and suspended until our further order or orders, the application of our prescribed rates to the transportation of livestock, ore and concentrates, the class rates and exceptions thereto applicable to the transportation of fresh meats and packing house products in the territory south and west of Denver described as follows: That portion of the State of Colorado on and west of U. S. Highway No. 85 between Denver and the Colorado-New Mexico state line, and on and south of State Highway No. 8 between Denver and Fairplay, thence westward via airline from Fairplay to Leadville, thence on and south of U. S. Highway No. 40 South, between Leadville and the Colorado-Utah state line; the rates prescribed for the transportation of farm products for distances of 200 miles and over; and the rates prescribed in Appendix D of said order and decision No. 7118 insofar as the same applied to the transportation of milk and cream for distances of 15 miles and less.

Eleven complaints having been filed by various carriers and shippers subsequent to April 1, 1936, the effective date of our Decision No. 7118, the Commission thereupon instituted a complaint upon its own motion against the class rates prescribed in said order and decision, and set all twelve complaints for hearing on May 6, 1936 by its order dated April 22, 1936, Decision No. 7523. Several of these complaints have been disposed of in previous orders, and in this order we propose to dispose of the balance of said complaint. Only the complaints to be treated in this order will be hereinafter referred to.

Thereafter, on May 21, 1936, in our decision No. 7651 herein, we prescribed rates for the transportation of ice cream and other frozen confections and of returned empty ice cream containers.

On June 26, 1936, in our decision No. 7751, we prescribed further exceptions to the classification on numerous commodities, adding twenty-one additional items of exceptions for general application throughout the State of Colorado, and one item of exception applicable only on the lines of The Larson Transportation Company and the McLean Truck Line operating between Denver and Craig, Colorado. We also prescribed commodity rates for application on the lines of the Colman Freight Service and Southwestern Transportation Company

from Denver and Pueblo to Grand Junction and intermediate points and from Denver to Salida and intermediate points on various commodities taking class rates in excess of 95 cents per cwt. On malt liquors moving from Denver to Craig and Hayden and intermediate points we prescribed a commodity rate of sixty cents to Craig and fifty-five cents to Hayden and intermediate points. Likewise on the same commodities moving between Grand Junction and Yampa, Colorado and intermediate points, we prescribed a commodity rate of sixty cents, both of such rates to apply only where the class rates made a higher charge. In this order, we also vacated that portion of our Decision No. 7118 applicable to the transportation of milk and cream, nunc pro tunc, as of April 13, 1936, and prescribed as the rate for the transportation of milk and cream, the rates published and in effect by the several motor vehicle common carriers on March 31, 1936. Several of the exceptions and commodity rates referred to above were also made effective nunc pro tunc as of the dates specified in said order. At the same time, we also authorized the carriers, in all cases where the rates of the Railway Express Agency, Inc. were lower on any commodity than the rates prescribed in our order of February 5, 1936, Decision No. 7118, for service similar to that performed by the motor carriers, to meet the rates of the Railway Express Agency, Inc., by charging and collecting rates which should not be less than those published by the express company. Another commodity rate prescribed in said order was a rate of thirty cents per cwt. for the transportation of flour and mill products from Montrose to Gunnison, Crested Butte, Silverton and Sargent, Colorado.

Thereafter, on July 8, 1936, Decision No. 7994, on the complaint of the H. J. Heinz Company, we entered an order amending Appendix H of Decision No. 7118 to include fresh cucumbers in open top crates to the list of farm products, and making provision for the free return of empty crates when the loaded movement was handled by the carrier transporting the empty crates.

Further hearings having been held pursuant to our order of April 22, 1936, we entered a further order on July 17, 1936, Decision No. 8009 amending Appendices A and C of our Decision No. 7118 insofar as the same applied to the transportation of freight under the class rates from and to the points specified in said Decision No. 8009 and between points not specified located in the territory west of Salida, Buena Vista on and south of U. S. Highway No. 40 South, and

Ojo, Colorado. Commodity rates for the transportation of fruits and vegetables between specified points were also prescribed in said order.

Ore and Concentrates.

Rates for the transportation of ores and concentrates were first prescribed in our order of February 5, 1936, Decision No. 7118, and were thereafter suspended until the further order of the Commission by our order of March 25, 1936, Decision No. 7419. The rates first prescribed on the above commodities were for statewide application, which was the principle ground of complaint against these rates at the time the same were suspended. Further evidence was taken on April 13, 1936, at which hearings, several carriers and mine operators testified that it was impracticable to prescribe rates for statewide application as operating conditions and trade practices were different in each mining district. Both carriers and shippers joined in requesting that no further action be taken toward prescribing rates for the transportation of ore and concentrates until such time as the necessity therefor appeared. We are impressed by the representations of these parties, that it will be necessary, when rates are prescribed on these commodities to consider each mining district as a separate rate district. Accordingly, we have concluded to vacate "Appendix I" of Decision No. 7118 in its entirety, and defer prescribing rates for the transportation of ore and concentrates in any district until proper application is made by any interested carriers or shippers.

Miscellaneous Matters.

Before disposing of the various complaints which will be treated in this order, there are several changes and corrections of previous orders which should be made to remove errors and certain ambiguities that now exist.

In describing the territory in which the rates on fresh meat and packing house products were suspended by our order of March 25, 1936, Decision No. 7419, we referred to U. S. Highway No. 40 South in the following statement: "thence on and south of U. S. Highway No. 40 South between Leadville and the Colorado-Utah state line." In making the above statement, we overlooked the fact that U. S. Highway No. 40 South has, for some time, been designated as

"U. S. Highway No. 24", and that neither Highway 40 nor Highway 24 extends west of Grand Junction, at which point it intersects with U. S. Highway No. 50. Therefore, wherever reference is made to U. S. Highway No. 40 in our order of March 25, 1936, it should be read as referring to U. S. Highway No. 24 to Grand Junction, and U. S. Highway No. 50 from Grand Junction to the Colorado-Utah State line. A similar error was made in our order of July 17, 1936, Decision No. 8009, wherein we described the territory in which the rates prescribed in that order were applicable, as follows: "and between points not specified located in the territory west of Salida, Buena Vista on and south of U. S. Highway No. 40 South, and Ojo, Colorado." This statement should be amended to read as follows: "and between points not specified located in the territory west of Salida and Buena Vista, Colorado, on and south of U. S. Highway No. 24 to Grand Junction, thence on and south of U. S. Highway No. 50 from Grand Junction to the Colorado-Utah state line, also west of Ojo, Colorado."

The following changes, corrections or additions should be made in our previous orders, viz:

Decision No. 7118, dated February 5, 1936, Appendix A - Item No. 8:

Now reads:

"Candy and Confectionery - - - - - 4th class"

Should be amended to read:

"Candy and confectionery, including Cocoa Butter and Chocolate Coating - - - - - -4th class"

Decision No. 7118, dated February 5, 1936, Appendix J - Page 64

Now reads:

	Miles from Denver	Miles from Grand Junction
"Placerville - - - - -	394	120"

Should be amended to read:

"Placerville - - - - -	401	126."
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Decision No. 8009, dated July 17, 1936, Appendix L - Description of

Commodities, Now reads:

"Baskets, boxes, cartons, crates, drums, or hampers, fiber-board or steel, wooden, loose or in bundles or packages - - First"

Should be amended to read:

"Baskets, boxes, cartons, crates, drums, or hampers, fiberboard, steel, or wooden, set-up, loose or in bundles or packages, - - -
- - - - - First.

Now reads:

"Livestock and live animals - - - - - First"

Should be amended to read:

"Live animals, other than livestock - - - - - First"

To be added:

"Fresh Meat, wrapped in burlap or in
packages - - - - - First".

The Rate Situation in General

The rehearing on the group of complaints hereinbefore referred to plainly developed the fact that there was need of revising some of the rates, rules and classifications prescribed in our order of February 5, 1936, Decision No. 7118. In some instances this may be accomplished by changing the classification of various commodities rather than by prescribing commodity rates. Wherever this has been possible, it has been done herein. Upon the publication of our Decision No. 7118, the rail carriers generally throughout the state readjusted their rates on l.c.l. traffic to conform to the rates prescribed for application by the motor carriers, making these readjustments effective April 1, 1936, upon which date the rates prescribed for motor carriers became effective.

As was pointed out in our first order, while rail and truck rates bear no relation to each other and cannot be prescribed upon the same basis, that nevertheless, as long as the rail and highway carriers compete with each other, the rates of one will exert a profound influence upon the rates of others. The taking of additional evidence in this proceeding develops that in many instances there are rail commodity rates applicable to l.c.l. freight which are lower than the rates prescribed by us for use by the motor carriers. For various reasons, these low commodity rates cannot be eliminated and in some cases it would result in serious damage to the public to require their cancellation. Therefore, the only possible procedure will be to prescribe similar rates for the motor carriers applicable under like conditions. Such rates will probably yield earnings below those which we consider minimum yields, but, since the motor carriers desire such rates, we do not care to stand in the way of the public receiving the benefits therefrom.

Exceptions to Classification

The Colorado Wholesale Wine and Liquor Dealers Association filed its complaint (Sub. No. 5) against the classification of wine and spirituous liquors as originally prescribed in our order of February 5, 1936, Decision No. 7118. These commodities are classified as first class in the Western Classification prescribed in said order and the traffic is now moving under this classification. It appears from the evidence that wines and liquors move generally in rather small shipments, and that, although it is compact and easily handled, pilferage and breakage is not uncommon. In the better grades of spirituous liquors and imported wines, the value per case runs quite high. Much low priced wine is shipped, one witness testifying that the value of a case of domestic burgundy wine was about \$2.45, which is not much greater than the value of a case of beer. The complainants urged a fourth class rating on all wine and spirituous liquors. We cannot accede to this proposition with respect to either spirituous liquors or wines, and have concluded not to disturb the present classification rating on spirituous liquors. Wine varies greatly in value, and we see no reason for requiring the carriers to handle high grade wines and assume the high risk involved at less than first class rates, unless the shipper cares to release the valuation of the same at not to exceed seventy-five cents (75¢) per gallon. Accordingly, we will provide a third class exception on wine when released at a valuation of not to exceed seventy-five cents per gallon and so receipted for, as provided in Item No. 44 of the Supplement to Appendix A-1 attached hereto and by reference made a part hereof.

In their complaint (Sub. No. 6) Swift and Company, Armour and Company and The Cudahy Packing Company attack the classification and rates prescribed in our order of February 5, 1936, Decision No. 7118, for the transportation of fresh meat, packing house products, butter, eggs, cheese, dressed poultry, oleo-margarine, salad dressing, sandwich spreads, peanut butter, mince meat, soap and soap powders, and requested that commodity rates for the transportation thereof be prescribed. Several of the above enumerated items were classified as fourth class under exceptions prescribed in our order, and most of the others were rated third class. Complainants alleged the unreasonableness of the rates prescribed, basing their contentions to some extent upon the fact that interstate motor carriers were transporting fresh meat and packing house products, including all of

the above items, at rates less than those prescribed by the Commission on intra-state traffic, and proposed rates based upon the so-called "peddler car" rates now in effect in Western Trunk Line territory. For the purpose of applying these rates, the territory is divided into three groups approximately as follows: first group--points along the Missouri River and east thereof; second group--points within the eastern half of Kansas and Nebraska; and the third group--west of the second group, to and including the Colorado common points.

The proposal of the complainants, with the exception of their support of a proposal for commodity rates on fresh meat and packing house products from Denver to Colorado Springs, Pueblo and Trinidad, contemplated l.c.l. shipments with pick-up and delivery service to be performed by the carrier, and including refrigeration when necessary. The proposal also included what are generally known as dairy products in the list of packing house products. Since the complaining packers have based their proposal on the "peddler car" rates in effect in Western Trunk Line territory, we assume that they consider them reasonable rates. The peddler car rates used as the basis of their proposal are in three groups as we have already pointed out, the second group being approximately 110 per cent of the first group and the third group being approximately 118 per cent of the first. They do not include pick-up and delivery service, and the shipper is required to pay the cost of refrigeration. In the face of these substantial differences in the application of the rates used as the basis of their proposal, the complainants have, in addition, based their proposal on the rates applicable to the first group, notwithstanding that the third group rates are approximately eighteen per cent higher than the first group.

The classification rating on fresh meat is first class, upon which we have prescribed an exception, providing a third class rating. The commodities which are included in the packing house products list, as a general proposition, are rated in the classification fourth class. In most instances where special commodity rates have been established on fresh meat and packing house products, the so-called dairy products have been included under the packing house products rates. Due to the fact that such products as butter, cheese, eggs, oleomargarine, sandwich spreads, salad dressings, etc., are handled in large volume by the packers, it appears that a fourth class rating on these commodities would be reasonable for the future.

When the level of the prescribed third and fourth class rates are considered, we do not believe any lower basis on less than truck load shipments of fresh meat and packing house products can be justified. As previously stated, the rail and truck carriers are in active competition, one with the other, especially on less than carloads, and carloads where the prevailing minimum weight is low.

The rail carriers have in effect at the present time the following rates on fresh meat and packing house products from Denver to:

Colorado Springs,	20 $\frac{1}{2}$	and	17 $\frac{1}{2}$	respectively;
Pueblo	21	"	18 $\frac{1}{2}$	"
Trinidad	27 $\frac{1}{2}$	"	23	"

with minimum weights of 12,000 pounds to Colorado Springs and Pueblo and 15,000 pounds to Trinidad.

The packers have been securing transportation by truck (from private carriers) to these points on about the average of the fresh meat and packing house products rates. Under our original order, the rates would be third and fourth class, subject to a ten per cent reduction on shipments of 10,000 pounds or more. If the motor carriers are to participate, or attempt to participate, in this business, the spread between the two carriers' rates will have to be brought closer together. The service performed by the motor carrier is greater than that performed by the rail carrier, while the expense to the packer in preparing cars and loading and unloading rail shipments is greater than on shipments by motor. It would therefore appear that a reasonable rate for this traffic, on a basis of 12,000 pounds per shipment, would be something higher than the contemporaneous rail rates, yet lower than the third and fourth class rates less ten per cent on 12,000 pounds. On the record as made, it would seem that rates of 27, 31 and 40 cents per 100 pounds on fresh meat and packing house products, minimum weight 12,000 pounds, straight or mixed shipments from Denver to Colorado Springs, Pueblo and Trinidad respectively, would be just and reasonable.

Nuckolls Packing Company, Pueblo, Colorado, has asked for commodity rates on fresh meat and packing house products from Pueblo to Denver, Colorado Springs and Trinidad. We cannot subscribe to its proposal, but it appears from the record that rates of 25, 31 and 31 cents per 100 pounds on fresh meat and packing house products, minimum weight 12,000 pounds, straight or mixed shipments, from Pueblo to Colorado Springs, Denver and Trinidad, respectively, will likewise be just and reasonable.

In complaint (sub No. 9), certain interests are seeking temporary drought rates in certain sections of Eastern Colorado on foodstuffs, grain, feed, hay and livestock. The record in regard to this complaint is rather meager. However, it is common knowledge that certain counties in Eastern Colorado have been designated by the United States Department of Agriculture as drought-stricken counties

and as such are receiving relief from the Government. While the operating conditions in Eastern Colorado in the drought-stricken areas does not justify any special treatment, we think that where the motor vehicle common carriers have requested such special treatment, we would be placing ourselves in a rather inconsistent position not to authorize the establishment of the temporary rates.

A witness representing the Denver, Limon and Burlington Transfer Company has requested a 20 per cent reduction in class rates and $33\frac{1}{3}$ per cent reduction on sugar, flour and feed. A similar request has been made by a representative of the Kerwin Truck Line, - the proposed reduced rates to expire with January 1, 1937.

We are of the opinion that any special drought rates established should be made applicable in all of the designated drought counties, but we have received only one common carrier's request and therefore can not assume that other common carriers desire such reduced rates.

In complaint of The Colorado Trucking Association (sub. No. 10), the following matters are set forth: Classification of liquor; carload rates; percentage of reduction on 5,000 and 10,000 pounds shipments; allowance to shipper in lieu of pick-up and delivery service; rates on tile, brick, cement, etc; drought rates in Eastern Colorado; minimum charge on single shipments; classification of butter, cheese, oleomargarine and fresh fruits; rates on farm products originating in Western Colorado; method of determining mileage; inclusion of certain portions of Western Colorado in mountain territory; the rates to and from Estes Park; and the rates on household goods. We will discuss each of these parts as they appear in the complaint. The question of the classification of liquor, oleomargarine, cheese and butter has already been discussed herein, and no further comments appear necessary. With respect to the question of further consideration of different allowances on 5,000 and 10,000 pounds shipments than those prescribed in our original order, the further record does not indicate that for a common carrier operation any different basis should be established. However, there does appear a need for the establishment of higher minimum weights with higher percentage deductions, and such an arrangement will be provided for in this order. Some of the private carriers have contended that they should

be permitted to transport traffic on the same basis as the rail carload rates. We cannot agree with their position. They are performing service additional to that which the rail lines furnish, including loading and unloading. The rail carload minimum rates, as a general proposition will range from 24,000 pounds to 60,000 and 80,000 pounds per carload, while the motor carrier is limited to the carrying capacity of its equipment, which rarely will approach the carload minimum of the rail carrier. Even if they possessed equipment having a capacity comparable with freight cars, the statutes of this state would, in most instances, preclude its use. One of the basic principles of rate making is that the rate should decrease as the minimum weight increases.

We are of the opinion that there are certain commodities which are in need of adjustment, and we have made provisions herein for such truckload rates as we deem essential at this time. In prescribing truckload rates, we have given consideration to the contemporaneous rail rates and have endeavored to prescribe scales of rates which will permit the movement of such commodities by motor carrier where the conditions require such movements. The present record does not establish the fact that our prescribed rates on farm products from western Colorado are unreasonable.

The basis of rates prescribed in western Colorado in our Decision No. 8009 will dispose of the question of "inclusion of certain portions of western Colorado in mountain territory."

The record as made does not indicate that our prescribed rates to and from Estes Park are unreasonable, except the minimum charge in connection with same.

The minimum charge prescribed in our original order appears to be in need of some modification. Numerous verbal complaints have come to us by both private and common carriers, especially on short hauls out of Denver and Pueblo. Under our original order, the minimum charge from or to Denver or Pueblo for distances 35 miles and under the charge is 35 cents, and 50 cents for hauls over 35 miles. In many instances, these charges represent more than the value of the commodity being shipped, with the result that the traffic moves either via parcel post or express. There are, of course, instances where a charge of 50 cents, which includes a pick-up and delivery, is not an unreasonable charge. However,

on the whole, we believe the minimum charge set forth in amended Appendix B herein will be more satisfactory, and that it will also be a just and reasonable one for the future.

With respect to allowances to shippers in lieu of pick-up and delivery service, the record is insufficient to justify the making of any finding or order upon this subject, and therefore no carrier shall be authorized to make any such allowance to shippers performing their own pick-up and delivery service.

The mileages which we prescribed in our original order are the rail mileages in practically all instances, and in prescribing that basis we followed the proposal of The Motor Truck Common Carriers' Association. There are instances when a town or city will be penalized by using the short line rail mileage instead of the highway mileage. Likewise, there are other communities which benefit by our use of the rail mileages. While it is only natural that the carriers desire to retain the benefits with none of the disadvantages, we are not persuaded that our use of the rail mileages is without some logical basis. The rail mileages remain fairly constant and there are official publications from which the correct mileage is always available. Also, since we have committed ourselves to the self-evident fact that the railroads and the highway carriers compete with each other in almost every class of traffic, it is in the common interest that their rates be based upon some uniform foundation.

Examination of the record does not disclose that any evidence was offered by complainants concerning the reasonableness or unreasonableness of the rates for the transportation of household goods prescribed in "Appendix F" of our order of February 5, 1936, Decision No. 7118. Therefore, the rates on this commodity will not be considered or disturbed until such time as a proper showing has been made.

The next complaint to be considered is that of The Motor Truck Common Carriers' Association (Sub. No. 11) against the rates prescribed on tractors, empty egg cases returned, milk and cream on line hauls, cement and plaster from Portland, Colorado, ice cream, and the minimum charges on joint line movements of small shipments. We have heretofore determined the matter of rates on ice cream and empty ice cream containers returned in our order of May 21, 1936,

Decision No. 7651, and it need not be discussed further. Our order of June 26, 1936, Decision No. 7751, disposed of the rates on milk and cream by prescribing as rates for the future, the rates duly published by and in effect on the lines of the several motor vehicle common carriers on March 31, 1936.

The record discloses that tractors loaded and unloaded under their own power, and of a width which will fit into truck bodies not exceeding the maximum width and height allowed by the Uniform Motor Vehicle Act of 1935, present no transportation difficulties and involve no unusual risk. They are bulky, heavy and durable, the average weight being from 3,600 to 5,800 pounds, and offer rather satisfactory revenues to the carriers. Witnesses for two common carriers and two private carriers have proposed a fourth class rating on this commodity under the conditions set forth above which in our opinion is a reasonable rate under the circumstances specified in Item No. 45 of Supplement to Appendix A-1 attached hereto and by reference made a part hereof.

Carriers who were parties to the complaint Sub. No. 11 advocated that an exception to the minimum charge be established on empty egg cases returned of 15 cents each, regardless of distance. Empty egg cases are very light, extremely bulky, and of ^{low} value, and a charge higher than 15 cents will very likely preclude the movement. No objection to this proposal developed at the hearing. This subject is included in our Amended Rule No. 2-A hereinbefore discussed, which also disposes of the complaint against the minimum charges on joint line movements of small shipments. Cement and plaster have been treated elsewhere in this order.

In complaint (Sub. No. 12) we instituted a further hearing concerning the classification of freight and the class rates prescribed in appendices "A" and "C", respectively.

In our order of July 17, 1936, Decision No. 8009, we prescribed two sets of rates for application on traffic from the Colorado common point territory to points in Western Colorado and the San Luis Valley, and between points within the said territories. As pointed out in our previous order, unless some readjustment was made in the rates to Western Colorado and between local points in said territory, the motor carriers were faced with the loss of the bulk of their traffic to shipper-owned trucks, a condition over which this Commission

has no control, except to the extent of permitting the carriers to establish rates which will retain the traffic to the "for hire" motor carriers.

The carriers in other sections of the state apparently are not faced with similar conditions, at least they have not asked for the abandonment of the classification.

Our rate expert introduced a suggested classification in lieu of the Western Classification. The theory of the suggested classification was to make two main class rates. The first class rates were to apply on commodities specified in the classification as taking first class, except as otherwise provided for therein, and the second class rates were to apply on all commodities not named in the classification. The scale of rates to be used in connection with the classification was to be constructed on the average of the present first and second class rates for first class rates and the average of the third and fourth class rates for the second class rates. Numerous objections on the part of both shippers and motor carriers were made to this proposal. Such a classification has its merits as well as its disadvantages. In the first place, it is simple, and would permit the determination of the correct rate without a considerable amount of work. The Western Classification is a cumbersome publication and requires more or less experience in order to determine the correct applicable rating on any given commodity.

Some of the shippers objected to the proposal for the reason, inter alia, that their second and fourth class rates would be increased, and the motor carriers objected for the reason, inter alia, that their first and third class rates would be reduced. We are convinced that such a classification would be much more satisfactory to both carriers and shippers if a proper scale of rates could be arrived at to be used in connection therewith. On the present record, we do not think that any change should be made in the governing classification, except to the extent as heretofore made by our Decision No. 8009.

As hereinbefore stated, there is a need for further provisions on shipments weighing over 10,000 pounds and the establishment of special commodity rates on some few commodities, viz: Brick, Drain tile, Sewer Pipe, Terra Cotta, Cement and Plaster, Lumber and Mill Work and Beverages; also some less than truck-load commodity rates and further exceptions to the classification.

Under the provisions of our order of February 5, 1936, the applicable rates on the commodities names in the preceding paragraph are the respective class rates less five per cent on 5,000 pounds and ten per cent on 10,000 pounds or more.

There is a substantial movement of these commodities by truck, and the applicable rates in effect at this time precludes such movements by the "for hire" carriers. Any rates prescribed by us will necessarily have to be on a reasonable relation to the rail carload rates if the traffic is to move via the "for hire" carriers. It is not our intention to prescribe rates for motor carriers that will divert traffic from the rail carriers. However, under the present set-up, the traffic is moving by shipper-owned trucks. In the majority of cases, the shippers are not over-anxious to enter into the transportation business if they can secure reasonable rates for the movement of their commodities, but they have become accustomed to motor transportation and are fairly well informed as to the cost of such transportation and know exactly what conditions they have to meet in marketing their products against their competitors.

In working out the different scales set forth in appendices "M" and "N", we have endeavored to give proper consideration to all the conditions surrounding this traffic, and think that the scales of rates will be reasonable ones for the shippers and the motor carriers.

On traffic for which we have not provided specific rates moving in quantities over 10,000 pounds in one shipment, we have provided a basis for 15,000 and 20,000 pounds, which we believe will result in reasonable charges to the shipper and a fair return to the carriers.

At the present time, brick, less than carloads, is rated third class, if loose and weighing each less than fifteen pounds, and fourth class if loose and weighing each over fifteen pounds. The value of common brick is about twelve dollars per 1,000, and cannot stand much transportation cost before they become prohibitive to ship. While there may not be much "less than truckload movement" of brick, there is sufficient to have caused us to give consideration to the effect of the application of the third class rates. The ordinary weight of common building brick is about five pounds each, which means that the third class rates would apply. Where brick is moving in less than truckload lots, generally speaking, it is the common type, and we believe our third class rates

are too high for such traffic. Therefore, we have provided an exception to the classification whereby brick and related articles shall be classified fourth class.

As we have already stated herein, the rail carriers on April 1, 1936, readjusted their less than carload class rates to reflect the same level as those prescribed in our Decision No. 7118 for the motor carriers, and they also cancelled most of their less than carload commodity rates (with the exception of The Midland Terminal Railway) which had been established to meet motor truck competition. Since that time we have had numerous complaints relative to the rail less than carload commodity rates on bakery goods, from Denver to Colorado Springs, Pueblo and Trinidad, and on iron and steel articles between Denver, and Colorado Springs and Pueblo, which rates were not cancelled. The service furnished by the rail carriers under these rates is exactly the same as that furnished by the motor carriers, as they furnish pick-up and delivery in connection therewith. It necessarily follows that the motor carriers cannot expect to charge higher rates for motor transportation than prevails for rail transportation under like circumstances and conditions. We are therefore making provision in a supplement to Appendix K of Decision No. 7751, attached hereto and by reference made a part hereof, to care for this situation by placing the motor carriers on a parity with the railroads.

Rates on Livestock.

In our Decision No. 7419 we suspended the rates on livestock prescribed in our Decision No. 7118 until the further order of the Commission and set the same for further hearing on April 13, 1936. At this further hearing it was developed that the rates in connection with the minimum weights produced charges that were driving the traffic to shipper owned trucks since they were, in many instances, in excess of the rates theretofore charged by the livestock carriers. No provision had been made in our original order for small movements, except under the prevailing classification and class rates, which were prohibitive. Several proposals were advanced by the different livestock interests, which to a certain extent were based upon the rates prevailing prior to April 1,

1936. In prescribing rates for the transportation of livestock the dominating factor is the rail rates, and any rates prescribed by us will necessarily have to be very close to the level of the rail rates. On the record as made, it appears that unless the "for hire" motor carriers are permitted to assess approximately the prevailing rail rate the livestock movement will be diverted to the shipper owned trucks and commercial carriers who are in a position to purchase the stock at origin and handle it as their own, thereby reflecting any rate they desire as transportation, and at the same time encourage much unlawful operation.

We believe that the rules and regulations and rates set forth in Appendix G-1 attached hereto will result in reasonable charges to the shippers of livestock and yield a fair return to the carriers for the service performed.

Special Temporary Rates on Cement, Concrete Pipe and
Structural Iron and Steel.

We have been requested to authorize the publication of a rate of $3\frac{1}{2}$ cents per 100 pounds on cement from a rail switch near Golden, Colorado, to the Ralston Creek Dam, a distance of approximately ten miles; also a rate of $4\frac{1}{2}$ cents per 100 pounds on re-inforced concrete pipe to average $12\frac{1}{2}$ feet in length, diameter 48 inches inside and 55 inches outside, from the Lock-Joint Pipe Factory, 8th avenue and Tejon Street, Denver, Colorado, to the filtering plant of the Denver Municipal Water Works at W. 20th Avenue and Howell Street, Edgewater, Colorado, continuing to said Ralston Creek Dam; also a rate of \$1.00 per ton of 2,000 pounds on structural iron and steel for an approximate movement of 400 tons from the plant of the Midwest Steel Company at 25 Larimer Street, Denver, to the aforesaid filtering plant; all of said rates to expire with the completion of the water diversion project.

RATES ON FARM PRODUCTS

The record establishes that a large proportion of the movement of farm products is for short distances of less than five miles wherein the farm products are transported from fields to elevators, shipping docks, etc. The scale of rates prescribed in Appendix H of our order of February 5, 1936, Decision No. 7118, made no provision for movements below five miles, and we are now satisfied upon reconsideration of the record that the rates prescribed for movements of five miles or less are somewhat excessive for shorter movements. Therefore,

we have determined to extend the scale prescribed in said Appendix H to provide rates for shorter movements as set forth in the "Supplement to Appendix H" attached hereto and by reference made a part hereof.

Findings of Fact

(1) After consideration of all the evidence and the record as a whole, the Commission is of the opinion and so finds, that the exceptions to the Western Classification set forth in "Amended Appendix A" and "Supplement to Appendix A-1", and the rules and regulations set forth in "Amended Appendix B", attached hereto and by reference made a part hereof, are and for the future will be just, reasonable and proper exceptions and rules and regulations for all motor vehicle common carriers and all private carriers by motor vehicle when competing with duly authorized motor vehicle common carriers for substantially the same or similar service.

(2) We further find that the scales of rates, differentials, rules and regulations set forth in "Appendix G" of our Decision No. 7118, dated February 5, 1936, should be vacated, set aside and cancelled, and that in lieu thereof, the scale of rates, differentials, rules and regulations set forth in "Appendix G-1" attached hereto and by reference made a part hereof, are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates, differentials, rules and regulations for the transportation of livestock as described therein between all points in the state of Colorado in intrastate traffic by motor vehicle common carriers, and minimum rates, differentials, rules and regulations for private carriers by motor vehicle when competing with duly authorized common carriers for substantially the same or similar service.

(3) We further find that, the rates set forth in "Supplement to Appendix K" attached hereto and by reference made a part hereof are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of bakery goods, fresh meat and packing products, and iron or steel articles, between points specified in said Appendix in intrastate traffic by motor vehicle common carriers, and minimum rates for private carriers by motor vehicle when competing with duly authorized common carriers for substantially the same or similar service.

(4) We further find that the scales of rates set forth in "Appendix

M" attached hereto and by reference made a part hereof, are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of Brick, and articles taking the same rates as specified in said appendix; drain tile or drain tile fittings, clay, concrete or earthen; sewer pipe or sewer pipe fittings, clay, concrete or earthen; terra cotta, as described in said appendix; cement, hydraulic, portland or natural; plaster, as described in said appendix; lumber and mill work, as described in said appendix; between points in the State of Colorado in intrastate traffic by motor vehicle common carriers, and minimum rates for private carriers by motor vehicle, when competing with duly authorized common carriers for substantially the same or similar service.

(5) We further find that the scales of rates set forth in "Appendix N" attached hereto and by reference made a part hereof, are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of beverages, as described in said appendix, between points in the State of Colorado in intrastate traffic by motor vehicle common carriers, and minimum rates for private carriers by motor vehicle when competing with duly authorized common carriers by motor vehicle for substantially the same or similar service.

(6) We further find that, for the transportation of fresh meats and packing house products as described in Items Nos. 9 and 12-A of Appendix A and Amended Appendix A, respectively, the class rates and exceptions to the classification as herein and hereinbefore prescribed, except as otherwise specifically provided for herein, are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates and exceptions for the transportation of fresh meats and packing house products between all points in the State of Colorado in intrastate traffic by all motor vehicle common carriers, and minimum rates and exceptions for all private carriers by motor vehicle when competing with duly authorized common carriers by motor vehicle for substantially the same or similar service; and that our Decision and Order dated March 25, 1936, Decision No. 7419, insofar as the same suspended the rates and exceptions for the transportation of fresh meats and packing house products in the territory south and west of Denver as described therein, should be vacated.

(7) We further find that, the following changes, corrections or additions should be made in our previous orders herein as specified below:

Decision No. 7118, dated February 5, 1936, Appendix A, Item No. 8:

Now reads in part "Candy and Confectionery Fourth Class";

Should be amended to read in part "Candy and Confectionery, including Cocoa Butter and Chocolate Coating Fourth Class."

Decision No. 7118, dated February 5, 1936, Appendix J, page 64:

Now reads in part -	Miles from Denver	Miles from Grand Junction
Placerville	394	120

Should be amended to read in part,

Placerville	401	126
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Decision No. 8009, dated July 17, 1936, Appendix L, description of commodities, now reads in part,

"Baskets, boxes, cartons, crates, drums or hampers, fibre board or steel, wooden, loose or in bundles or in packages First"

Should be amended to read in part,

"Baskets, boxes, cartons, crates, drums or hampers, fibre board, steel or wooden, set up, loose or in bundles or packages First"

Now reads in part,

"Livestock and live animals First"

Should be amended to read in part,

"Live animals other than livestock First"

To be added,

"Fresh meat wrapped in burlap or in packages First"

and that said exceptions, mileages and classifications are and for the future will be just, fair, reasonable and proper exceptions, mileages and classifications for the commodities and points hereinabove specified and described for all common and private motor vehicle carriers operating in this state in Intrastate traffic.

(8) We further find that the scale of rates set forth in "Appendix I" of our order and Decision No. 7118, dated February 5, 1936, should be vacated, set aside and held for naught.

(9) We further find that, in our order of July 17, 1936, Decision No. 8009, we prescribed rates "between points located in the territory west of

Salida, Buena Vista on and South of U. S. Highway No. 40 South and Ojo, Colorado," which said statement should be amended to read "between points located in the territory west of Salida and Buena Vista on and South of U. S. Highway No. 24 to Grand Junction, thence on and south of U. S. Highway No. 50 from Grand Junction to the Colorado-Utah state line, also west of Ojo, Colorado."

(10) We further find that, the rates set forth in the "Supplement to Appendix H" attached hereto and by reference made a part hereof are and for the future will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of farm products as described and enumerated in Appendix H of Decision No. 7118 as amended and supplemented by Decision No. 7994, between all points in the State of Colorado in intrastate traffic by all motor vehicle common carriers, and minimum rates for private carriers by motor vehicle when competing with duly authorized common carriers by motor vehicle for substantially the same or similar service.

(11) We further find that, an economic emergency exists in certain portions of Eastern Colorado served by the Denver-Limon and Burlington Transfer Company, a common carrier by motor vehicle, which requires rates to be lowered temporarily, and that rates twenty per cent (20%) less than the class rates heretofore prescribed herein, and 33 1/3 per cent lower than the rates heretofore prescribed on sugar, flour and feed, are until December 31, 1936, will be just, fair, reasonable and sufficient maximum and minimum class rates for the transportation of all commodities on the lines of the Denver-Limon and Burlington Transfer Company until December 31, 1936, and minimum class rates for all private carriers by motor vehicle competing with said common carrier by motor vehicle and rendering substantially the same or similar service.

(12) We further find that, a rate of 3½ cents per 100 pounds on cement from a rail switch near Golden, Colorado, to Ralston Creek Dam, a distance of approximately 10 miles; also a rate of 4½ cents per 100 pounds on reinforced concrete pipe, average length 12½ feet, diameter 48 inches inside and 55 inches outside, from the Lock Joint Pipe Factory at 8th Avenue and Tejon St., Denver, Colorado, to the filtering plant of the Denver Municipal Water Works, at West 20th Avenue and Howell Street, Edgewater, Colorado, continuing to said Ralston Creek Dam; also a rate of \$1.00 per ton of 2000 pounds on structural iron and

steel in a movement of approximately 400 tons, from the plant of The Midwest Steel Company, 25 Larimer Street, Denver, Colorado, to said filtering plant, are and until the completion of the water diversion project, will be just, fair, reasonable and sufficient maximum and minimum rates for the transportation of said commodities by motor vehicle common carriers, and minimum rates for private carriers by motor vehicle competing with duly authorized common carriers by motor vehicle and rendering substantially the same or similar service.

(13) We further find that, in all other respects, the rates, rules, regulations, classification and exceptions hereinbefore prescribed by us are not unjust or unreasonable, and that the complaints will be dismissed.

O R D E R

It appearing that on February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, July 17, 1936, and August 20, 1936, the Commission made and filed in this proceeding statements of its findings of fact and conclusions thereon; and that on said dates the Commission entered its orders to give effect to said conclusions; that on March 25, 1936, the Commission suspended the operation of said order of February 5, 1936 on livestock, ore and concentrates, fresh meat and packing house products in the territory south and west of Denver described therein, farm products for distances 200 miles and over, and milk and cream for 15 miles and under; that on April 22, 1936 the Commission reopened said proceeding for further hearing with respect to the rates, rules, regulations, exceptions and classification of freight prescribed in said order of February 5, 1936; it further appearing that such further hearings have been had, the Commission has, on the date hereof, made and filed a statement on reconsideration containing its further findings of fact and conclusions thereon, which said statement and the aforesaid statements of February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, July 17, 1936 and August 20, 1936, are hereby referred to and made parts hereof:

IT IS ORDERED, That the orders heretofore entered in this proceeding on February 5, 1936, May 21, 1936, June 26, 1936, July 8, 1936, July 17, 1936, and August 20, 1936, as amended, be, and they are hereby amended, supplemented or modified in so far as shall be necessary to give effect to the amended,

supplemented or modified findings made in the aforesaid statement on further hearing herein.

IT IS FURTHER ORDERED, That this order shall become effective on October 12, 1936, and that the rates or basis of rates prescribed and approved in the aforesaid statement on further hearing shall be published by all motor vehicle common carriers on notice to this Commission and the general public by not less than 10 days' filing and posting in the manner prescribed in Section 16 of the Public Utilities Act of 1913; and that all private carriers by motor vehicle shall, on and after October 12, 1936, cease and desist from demanding, charging or collecting rates which shall be less than the rates or basis of rates prescribed and approved in the aforesaid statement.

IT IS FURTHER ORDERED, That this order shall continue in force and effect until the further order of the Commission, and to that end jurisdiction is retained to make such further and additional orders as may be necessary and proper.

IT IS FURTHER ORDERED, That an emergency exists which requires that this order shall become effective on less than 20 days' notice.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. Danks

W. C. Danks

William E. Gritter

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

AMENDED APPENDIX A
Exceptions to Ratings of the Classification.

Item No.	Commodity	Rating
3-A Cancels 3	See Item 12-A	
5-A Cancels 5	See Item 12-A	
11-A Cancels 11	See Item 12-A	
12-A Cancels 12	Packing House Products, viz: subject to packing requirements of classification. Butter; cheese; cooked, cured or preserved meats and sausages; cooked, cured or preserved meats and sausages, with vegetable ingredients; canned meats or sausage, with vegetable ingredients; Bladders; Bones, fresh meat; Bristles, hog; Casings (sausage); Cracklings; Grease; Glue; Eggs, frozen; Eggs, N.O.I.B.N.; Hair (hog) other than bristles; Lard, lard compounds or lard substitutes; Neat's Foot Stock; Oils, (lard, Neat's Foot, Oleo, Tallow, Cotton Seed (cooking), corn, liquid, or solidified; oleo stock; ox gall, liquid; rennets, calf (calf stomachs) salted, cured or dried; Skins, pieces and trimmings, hog or pig (green, salted, pickled or smoked); Stearine, in solid form; Tallow; Tails or Switches, green (non-edible); Weasands, dry; Mince Meat; Sandwich Spreads, and Oleomargarine, in straight or mixed shipments.	4th Class

SUPPLEMENT TO APPENDIX A-1

44	Wine, valuation not exceeding seventy five (75) cents per gallon and so receipted for; in containers in wicker baskets, barrels or boxes or in bulk in barrels.	3rd Class
45	Tractors, loaded and unloaded under own power and of width to fit into truck, not exceeding the maximum width and height permitted by Unif. Motor Vehicle Act, 1935.	4th Class
46	Brick and related articles as described in Appendix M, less than truckload.	4th Class

AMENDED APPENDIX B

Rule No.	Rules and Regulations
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2-A
Cancels
2

Minimum charge. Except as otherwise specifically provided for in this and previous orders the minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day shall be computed on the actual weight of the shipment at the applicable rate but not less than the following; viz:

40 Miles and under - - - - -	25 cents
100 " " over 40 miles - - - - -	35 cents
Over 100 miles - - - - -	50 cents

Exception: On movements of empty egg cases returned (subject to rule No. 16) the minimum charge shall be fifteen (15) cents. On shipments destined to or originating at Estes Park and Grand Lake the minimum charge shall be as follows; from or to Longmont, Boulder, Greeley, Loveland and Ft. Collins, Colorado, 25 cents; from or to Denver, 35 cents.

19-A
Cancels
19

Basis for Rates on Quantity Shipments.
Except as otherwise specifically provided for in this and previous orders the rates on 5,000, 10,000, 15,000 and 20,000 pound shipments from one consignor to one consignee on one bill of lading in one vehicle or combination of vehicles as limited by the uniform motor vehicle act (chapter 164, S.L. 1935), on any commodity or commodities which are accorded the same less than carload ratings will be 5, 10, 15 and 20 per cent respectively less than the applicable rate, subject to a maximum deduction of 5, 10, 15 and 20 cents respectively. On single shipments from one consignor to one consignee on one bill of lading in one day in one vehicle or combination of vehicles (as hereinbefore designated of the required minimum weight, composed of two or more articles subject to different less than carload ratings, apply to the entire lot the rate applicable to the same quantity of the highest rated article in the shipment; except that this basis shall not apply where lower charges would result from applying to the weight of each article, its respective less than carload rate.

The deductions provided herein shall be applied to the applicable less than carload rate of the article (whether arrived at under classification ratings or exceptions thereto.)

APPENDIX G-1

Cancels Appendix G in Decision No. 7118 dated February 5, 1936.

RULES AND REGULATIONS GOVERNING THE RATES ON MOVEMENTS OF LIVESTOCK.

<u>Rule No.</u>	<u>Subject</u>								
1	<p><u>Minimum Weight for Truckload Movements:</u></p> <table><tr><td>Cattle, in single deck trucks,</td><td>6,000 pounds</td></tr><tr><td>Calves, hogs, sheep and goats in double-deck trucks,</td><td>6,000 "</td></tr><tr><td>Calves and hogs, in single-deck trucks</td><td>5,500 "</td></tr><tr><td>Sheep and goats, in " " trucks</td><td>3,000 "</td></tr></table>	Cattle, in single deck trucks,	6,000 pounds	Calves, hogs, sheep and goats in double-deck trucks,	6,000 "	Calves and hogs, in single-deck trucks	5,500 "	Sheep and goats, in " " trucks	3,000 "
Cattle, in single deck trucks,	6,000 pounds								
Calves, hogs, sheep and goats in double-deck trucks,	6,000 "								
Calves and hogs, in single-deck trucks	5,500 "								
Sheep and goats, in " " trucks	3,000 "								
2	<p><u>Less Than Truckload Movements:</u></p> <p>The charges on a less-than-truckload shipment of livestock (except horses, mules or asses), shall be computed on the basis of the fourth class rate on the following estimated weights, (subject to actual weights where actual weight can be obtained), cattle, 800 pounds each; calves, 300 pounds each; hogs, 200 pounds each; sheep, lambs or goats 100 pounds each, and subject further to a minimum charge of \$1.00 per single shipment. Provided, however, that in no case shall the charges on a less-than-truckload shipment exceed the charges that would accrue on the basis of the truckload rate and the applicable minimum weight.</p> <p>The provisions of this rule applies to and from Denver and Pueblo, only, and at the convenience of the carrier.</p>								
3	<p><u>Disposition of Fractions of a Cent:</u></p> <p>In disposing of fractions of a cent any amount less than one-half ($\frac{1}{2}$) cent will be dropped and one-half ($\frac{1}{2}$) cent or more will be treated as the next full cent.</p>								
4	<p><u>Picked up or Delivered Shipments at More Than One Origin or Destination:</u></p> <p>In the event any single shipper does not have sufficient tonnage to enable him to take advantage of the truckload rates, shipments may be combined in making up the required minimum weight (per rule No. 1) on the following basis:</p> <p>Compute the miles from the farthest point of pick-up to the point of pick-up which is nearest to the ultimate destination of the shipment at 15 cents per mile per truck, which amount shall be added to the amount accruing on the line haul which shall be based on the applicable rate for the distance from said nearest point of pick-up to ultimate destination.</p> <p>The same basis shall be used in distribution to more than one consignee or from more than one consignor at markets or sale lots.</p>								

5 Definition of Cattle and Calves:

The term calves as used herein will mean animals of the bovine family weighing 400 pounds or less and the term cattle will mean animals weighing over 400 pounds each.

6 Applicable Rate on Mixed Shipments:

On mixed shipments of different species of livestock the charges on the entire shipment shall be computed on the basis of the applicable rate and minimum weight in connection with such rate of that species in the mixture which is most numerous; provided that in no case shall the charges so computed exceed the charges that would accrue on the basis of the less-than-truckload rate on part of the shipment and the applicable rate and minimum weight of any particular species on the balance of the shipment.

7 Bulls:

The rate on bulls shall be the same as that for cattle, however, any extra expense (See Note 1) incurred in loading or properly preparing such animal or animals for transportation shall be borne by the party paying the transportation charges.

Note 1. Any extra expense as used in this rule shall mean the actual cost to the carrier over and above his ordinary cost in handling livestock.

8 Basis for Rates between Points in Colorado Other Than Denver and Pueblo:

For transportation of livestock (except horses, mules and/or asses) between points in Colorado other than Denver and/or Pueblo, the charge shall be computed on the basis of twenty (20) cents per loaded truck mile in plains territory and twenty-six (26) cents per loaded truck mile in mountain territory for racks eight (8) feet or under in length, plus one (1) cent for each additional foot of rack length.

This basis shall not apply on hauls twenty-five (25) miles distance and under.

For basis of rates on hauls twenty-five (25) miles distance and under see rule No. 9.

9 Basis for Rates on Hauls Twenty-five (25) Miles Distance and Under.

Except as otherwise provided for herein, the charge for hauls twenty-five (25) miles distance or less shall be computed on the following basis, viz:

With a maximum weight of 3,500 pounds, \$1.50 for the first mile, and 20 cents per loaded truck mile thereafter.

Over 3,500 pounds and not exceeding 7,000 pounds, \$2.00 for the first mile, and 25 cents per loaded truck mile thereafter.

(Continued on next page)

Rule - No.

Subject

9

Continued.

Over 7,000 pounds and not exceeding 10, 000 pounds \$2.50 for first mile, and 30 cents per loaded truck mile thereafter.

Over 10,000 pounds and less than 12,000 pounds \$3.00 for first mile and 40 cents per loaded truck mile thereafter.

PART I.

The following rates in cents per 100 pounds shall take precedence over the rates shown in distance scale to Denver (subject to the minimum weights shown in rule No. 1). The rates from Denver shall be computed on a basis of eighty five (85) per cent of the rates to Denver.

FROM	TO DENVER				
	Cattle	Calves & Hogs		Sheep & Goats	
	S. D.	S. D.	D. D.	S. D.	D. D.
Ault	17	19	18	38	19
Berthoud	15	17	16	34	17
Boulder	13	15	14	30	15
Brighton	10	12	11	24	12
Briggsdale	21½	23½	22½	47	23½
Deerfield	20	22	21	44	22
Eaton	16½	18½	17½	37	18½
Erie	12	14	13	28	14
Fort Collins	18	20	19	40	20
Fort Morgan	20	22	21	44	22
Fosston	20	22	21	44	22
Frederick	12	14	13	28	14
Galeton	17	19	18	38	19
Gill	17	19	18	38	19
Greeley	16	18	17	36	18
Hudson	12½	14½	13½	29	14½
Johnstown	14	16	15	32	16
Keenesburg	14½	16½	15½	33	16½
Kersey	16	18	17	36	18
La Porte	19	21	20	42	21
La Salle	15	17	16	34	17
Longmont	14	16	15	32	16½
Loveland	16½	18½	17½	37	18½
Lucerne	16½	18½	17½	37	18½
Lupton	11	13	12	26	13
Lyons	13½	15½	14½	31	15½
Mead	13½	15½	14½	31	15½
Milliken	14	16	15	32	16
Nunn	19	21	20	42	21
Omar	17	19	18	38	19
Peckham	14	16	15	32	16
Pierce	17	19	18	38	19
Platteville	12	14	13	28	14
Severance	17	19	18	38	19
Timnath	18	20	19	40	20
Wellington	19	21	20	42	21
Windsor	16½	18½	17½	37	18½

The rates set forth in the preceding table will apply as maximum rates at directly intermediate unnamed points between points of origin and destination.

PART II.

Except as otherwise provided for herein the following rates in cents per 100 pounds will apply on cattle, calves, hogs, sheep and goats (subject to the minimum weights shown in rule No. 1) to Denver and Pueblo, Colorado.

The charges on shipments from Denver and Pueblo shall be computed on the basis of eighty-five (85) per cent of the rates to Denver and Pueblo.

PLAINS SCALE

Distance - Miles	Cattle single deck	Calves and hogs		Sheep and Goats	
		S.D.	D.D.	S.D.	D.D.
30 and over 25	13½	15½	14½	31	15½
35 " " 30	14½	16½	15½	33	16½
40 " " 35	15½	17½	16½	35	17½
45 " " 40	16	18	17	36	18
50 " " 45	17	19	18	38	19
55 " " 50	19	21	20	42	21
60 " " 55	20	22	21	44	22
65 " " 60	21	23	22	46	23
70 " " 65	22	24	23	48	24
75 " " 70	22½	24½	23½	49	24½
80 " " 75	23	25	24	50	25
85 " " 80	23½	25½	24½	51	25½
90 " " 85	24	26	25	52	26
95 " " 90	24½	26½	25½	53	26½
100 " " 95	25	27	26	54	27
110 " " 100	26	28	27	56	28
120 " " 110	27	29	28	58	29
130 " " 120	28	30	29	60	30
140 " " 130	29	31	30	62	31
150 " " 140	30½	32½	31½	65	32½
160 " " 150	32	34	33	68	34
170 " " 160	33	35	34	70	35
180 " " 170	34	36	35	72	36
190 " " 180	35	37	36	74	37
200 " " 190	36	38	37	76	38
210 " " 200	37	39	38	78	39
220 " " 210	37½	39½	38½	79	39½
230 " " 220	38	40	39	80	40
240 " " 230	39	41	40	82	41
250 " " 240	40	42	41	84	42
260 " " 250	41	43	42	86	43
270 " " 260	41½	43½	42½	87	43½
280 " " 270	42	44	43	88	44
290 " " 280	43	45	44	90	45
300 " " 290	44	46	45	92	46
310 " " 300	44½	46½	45½	93	46½
320 " " 310	45	47	46	94	47
330 " " 320	46	48	47	96	48
340 " " 330	47	49	48	98	49
350 " " 340	48	50	49	100	50
360 " " 350	49	51	50	102	51
370 " " 360	50	52	51	104	52
380 " " 370	50½	52½	51½	105	52½
390 " " 380	51	53	52	106	53
400 " " 390	52	54	53	108	54
410 " " 400	53	55	54	110	55
420 " " 410	53½	55½	54½	111	55½
430 " " 420	54	56	55	112	56
440 " " 430	55	57	56	114	57
450 " " 440	55½	57½	56½	115	57½

PLAINS SCALE

Distance - Miles	Cattle single deck	Calves and hogs		Sheep and Goats	
		S.D.	D.D.	S.D.	D.D.
460 and over 450	56	58	57	116	58
470 " " 460	57	59	58	118	59
480 " " 470	57½	59½	58½	119	59½
490 " " 480	58	60	59	120	60
500 " " 490	59	61	60	122	61

MOUNTAIN SCALE

Distance - Miles		Cattle single deck	Calves and hogs S.D. D.D.		Sheep and Goats S.D. D.D.	
30 and over	25	17½	20	19	40	20
35 "	30	19	21½	20½	43	21½
40 "	35	20	22½	21½	45	22½
45 "	40	21	23½	22½	47	23½
50 "	45	22	24½	23½	49	24½
55 "	50	25	27½	26½	55	27½
60 "	55	26	28½	27½	57	28½
65 "	60	27	29½	28½	59	29½
70 "	65	28½	31	30	62	31
75 "	70	29	31½	30½	63	31½
80 "	75	30	32½	31½	65	32½
85 "	80	30½	33	32	66	33
90 "	85	31	33½	32½	67	33½
95 "	90	32	34½	33½	69	34½
100 "	95	32½	35	34	70	35
110 "	100	34	36½	35½	73	36½
120 "	110	35	37½	36½	75	37½
130 "	120	36	38½	37½	77	38½
140 "	130	38	40½	39½	81	40½
150 "	140	40	42½	41½	85	42½
160 "	150	41½	44	43	88	44
170 "	160	43	45½	44½	91	45½
180 "	170	44½	47	46	94	47
190 "	180	45½	48	47	96	48
200 "	190	47	49½	48½	99	49½
210 "	200	48	50½	49½	101	50½
220 "	210	49	51½	50½	103	51½
230 "	220	49½	52	51	104	52
240 "	230	51	53½	52½	107	53½
250 "	240	52	54½	53½	109	54½
260 "	250	53½	56	55	112	56
270 "	260	54	56½	55½	113	56½
280 "	270	54½	57	56	114	57
290 "	280	56	58½	57½	117	58½
300 "	290	57	59½	58½	119	59½
310 "	300	58	60	59	120	60
320 "	310	58½	60½	59½	121	60½
330 "	320	60	62	61	124	62
340 "	330	61	63	62	126	63
350 "	340	62½	64½	63½	129	64½
360 "	350	64	66	65	132	66
370 "	360	65	67	66	134	67
380 "	370	65½	67½	66½	135	67½
390 "	380	66½	68½	67½	137	68½
400 "	390	67½	69½	68½	139	69½
410 "	400	69	71	70	142	71
420 "	410	69½	71½	70½	143	71½
430 "	420	70	72	71	144	72
440 "	430	71½	73½	72½	147	73½
450 "	440	72	74	73	148	74
460 "	450	73	75	74	150	75
470 "	460	74	76	75	152	76
480 "	470	75	77	76	154	77
490 "	480	75½	77½	76½	155	77½
500 "	490	77	79	78	158	79

LIVESTOCK - DIFFERENTIAL SCALE

Distance - Miles			Cattle S.D.	Calves and S.D.	Hogs D.D.	Sheep and Goats S.D.	D.D.
30	and over	25	4	4½	4½	9	4½
35	"	30	4½	5	5	10	5
40	"	35	4½	5	5	10	5
45	"	40	5	5½	5½	11	5½
50	"	45	5	5½	5½	11	5½
55	"	50	6	6½	6½	13	6½
60	"	55	6	6½	6½	13	6½
65	"	60	6	6½	6½	13	6½
70	"	65	6½	7	7	14	7
75	"	70	6½	7	7	14	7
80	"	75	7	7½	7½	15	7½
85	"	80	7	7½	7½	15	7½
90	"	85	7	7½	7½	15	7½
95	"	90	7½	8	8	16	8
100	"	95	7½	8	8	16	8
110	"	100	8	8½	8½	17	8½
120	"	110	8	8½	8½	17	8½
130	"	120	8	8½	8½	17	8½
140	"	130	9	9½	9½	19	9½
150	"	140	9½	10	10	20	10
160	"	150	9½	10	10	20	10
170	"	160	10	10½	10½	21	10½
180	"	170	10½	11	11	22	11
190	"	180	10½	11	11	22	11
200	"	190	11	11½	11½	23	11½
210	"	200	11	11½	11½	23	11½
220	"	210	11½	12	12	24	12
230	"	220	11½	12	12	24	12
240	"	230	12	12½	12½	25	12½
250	"	240	12	12½	12½	25	12½
260	"	250	12½	13	13	26	13
270	"	260	12½	13	13	26	13
280	"	270	12½	13	13	26	13
290	"	280	13	13½	13½	27	13½
300	"	290	13	13½	13½	27	13½
310	"	300	13½	13½	13½	27	13½
320	"	310	13½	13½	13½	27	13½
330	"	320	14	14	14	28	14
340	"	330	14	14	14	28	14
350	"	340	14½	14½	14½	29	14½
360	"	350	15	15	15	30	15
370	"	360	15	15	15	30	15
380	"	370	15	15	15	30	15
390	"	380	15½	15½	15½	31	15½
400	"	390	15½	15½	15½	31	15½
410	"	400	16	16	16	32	16
420	"	410	16	16	16	32	16
430	"	420	16	16	16	32	16
440	"	430	16½	16½	16½	33	16½
450	"	440	16½	16½	16½	33	16½
460	"	450	17	17	17	34	17
470	"	460	17	17	17	34	17
480	"	470	17½	17½	17½	35	17½
490	"	480	17½	17½	17½	35	17½
500	"	490	18	18	18	36	18

PART I.

The following rates in cents per 100 pounds; minimum weight.

(Plains Scale)		12,000 Pounds		(Not subject to Rule No. 4)		
Distance Miles		Cattle S. D.	Calves S. D.	and Hogs D. D.	Sheep and Goats S. D.	Goats D. D.
30 and over	25	13½	15½	14½	17½	15½
35	"	14	16	15	18	16
40	"	14½	16½	15½	18½	16½
45	"	15	17	16	19	17
50	"	15½	17½	16½	19½	17½
55	"	16	18	17	20	18
60	"	16½	18½	17½	20½	18½
65	"	17	19	18	21	19
70	"	17½	19½	18½	21½	19½
75	"	18	20	19	22	20
80	"	18½	20½	19½	22½	20½
85	"	19	21	20	23	21
90	"	19½	21½	20½	23½	21½
95	"	20	22	21	24	22
100	"	20½	22½	21½	24½	22½
110	"	21½	23½	22½	25½	23½
120	"	22½	24½	23½	26½	24½
130	"	23½	25½	24½	27½	25½
140	"	24½	26½	25½	28½	26½
150	"	25½	27½	26½	29½	27½
160	"	26½	28½	27½	30½	28½
170	"	27½	29½	28½	31½	29½
180	"	28½	30½	29½	32½	30½
190	"	29½	31½	30½	33½	31½
200	"	30½	32½	31½	34½	32½
210	"	31½	33½	32½	35½	33½
220	"	32½	34½	33½	36½	34½
230	"	33½	35½	34½	37½	35½
240	"	34½	36½	35½	38½	36½
250	"	35½	37½	36½	39½	37½
260	"	36½	38½	37½	40½	38½
270	"	37½	39½	38½	41½	39½
280	"	38½	40½	39½	42½	40½
290	"	39½	41½	40½	43½	41½
300	"	40½	42½	41½	44½	42½
310	"	41½	43½	42½	45½	43½
320	"	42½	44½	43½	46½	44½
330	"	43½	45½	44½	47½	45½
340	"	44½	46½	45½	48½	46½
350	"	45½	47½	46½	49½	47½
360	"	46½	48½	47½	50½	48½
370	"	47½	49½	48½	51½	49½
380	"	48½	50½	49½	52½	50½
390	"	49½	51½	50½	53½	51½
400	"	50½	52½	51½	54½	52½
410	"	51½	53½	52½	55½	53½
420	"	52½	54½	53½	56½	54½
430	"	53½	55½	54½	57½	55½
440	"	54½	56½	55½	58½	56½
450	"	55½	57½	56½	59½	57½
460	"	56	58	57	60	58
470	"	57	59	58	61	59
480	"	57½	59½	58½	61½	59½
490	"	58	60	59	62	60
500	"	59	61	60	63	61

Mountain Scale - Minimum Weight 12,000 Pounds.

(Not subject to Rule 4)

Distance - Miles			Cattle	Calves & Hogs		Sheep & Goats	
			S. D.	S. D.	D. D.	S. D.	D. D.
30 and over	25		17½	20	19	22½	20
35 "	30		18	20½	19½	23½	20½
40 "	35		19	21½	20½	24	21½
45 "	40		19½	22	21	24½	22
50 "	45		20	22½	21½	25	22½
55 "	50		21	23½	22½	26	23½
60 "	55		21½	24	23	26½	24
65 "	60		22	24½	23½	27	24½
70 "	65		23	25½	24½	28	25½
75 "	70		23½	26	25	28½	26
80 "	75		24	26½	25½	29	26½
85 "	80		25	27½	26½	30	27½
90 "	85		25½	28	27	30½	28
95 "	90		26	28½	27½	31	28½
100 "	95		26½	29	28	31½	29
110 "	100		28	30½	29½	33	30½
120 "	110		29	31½	30½	34	31½
130 "	120		30½	33	32	35½	33
140 "	130		32	34½	33½	37	34½
150 "	140		33	35½	34½	38	35½
160 "	150		34½	37	36	39½	37
170 "	160		36	38½	37½	41	38½
180 "	170		37	39½	38½	42	39½
190 "	180		38½	41	40	43½	41
200 "	190		40	42½	41½	45	42½
210 "	200		41	43½	42½	46	43½
220 "	210		42½	45	44	47½	45
230 "	220		43½	46	45	48½	46
240 "	230		45	47½	46½	50	47½
250 "	240		46½	49	48	51½	49
260 "	250		47½	50	49	52½	50
270 "	260		49	51½	50½	54	51½
280 "	270		50	52½	51½	55	52½
290 "	280		51½	54	53	56½	54
300 "	290		52½	55	54	57½	55
310 "	300		53½	56	55	58½	56
320 "	310		55	57½	56½	60	57½
330 "	320		56½	59	58	61½	59
340 "	330		58	60½	59½	63	60½
350 "	340		59½	62	61	64½	62
360 "	350		60½	63	62	65½	63
370 "	360		62	64½	63½	67	64½
380 "	370		63	65½	64½	68	65½
390 "	380		64½	67	66	69½	67
400 "	390		65½	68	67	70½	68
410 "	400		67	69½	68½	72	69½
420 "	410		68½	71	70	73½	71
430 "	420		69½	72	71	74½	72
440 "	430		71	73½	72½	76	73½
450 "	440		72	74½	73½	77	74½
460 "	450		73	75½	74½	78	75½
470 "	460		74	76½	75½	79	76½
480 "	470		75	77½	76½	80	77½
490 "	480		75½	78	77	80½	78
500 "	490		77	79½	78½	82	79½

DIFFERENTIAL SCALE - Minimum Weight, 12,000 Pounds.

Distance - Miles			Cattle	Calves & Hogs		Sheep & Goats	
			S. D.	S. D.	D. D.	S. D.	D. D.
30 and over	25	4	4 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$	5	4 $\frac{1}{2}$
35 "	30	4	4 $\frac{1}{2}$	4 $\frac{1}{2}$	4 $\frac{1}{2}$	5 $\frac{1}{2}$	4 $\frac{1}{2}$
40 "	35	4 $\frac{1}{2}$	5	5	5	5 $\frac{1}{2}$	5
45 "	40	4 $\frac{1}{2}$	5	5	5	5 $\frac{1}{2}$	5
50 "	45	4 $\frac{1}{2}$	5	5 $\frac{1}{2}$	5 $\frac{1}{2}$	6	5
55 "	50	5	5 $\frac{1}{2}$	5 $\frac{1}{2}$	5 $\frac{1}{2}$	6	5 $\frac{1}{2}$
60 "	55	5	5 $\frac{1}{2}$	5 $\frac{1}{2}$	5 $\frac{1}{2}$	6	5 $\frac{1}{2}$
65 "	60	5	5 $\frac{1}{2}$	5 $\frac{1}{2}$	5 $\frac{1}{2}$	6 $\frac{1}{2}$	5 $\frac{1}{2}$
70 "	65	5 $\frac{1}{2}$	6	6	6	6 $\frac{1}{2}$	6
75 "	70	5 $\frac{1}{2}$	6	6	6	6 $\frac{1}{2}$	6
80 "	75	5 $\frac{1}{2}$	6	6 $\frac{1}{2}$	6 $\frac{1}{2}$	7	6
85 "	80	6	6 $\frac{1}{2}$	6 $\frac{1}{2}$	6 $\frac{1}{2}$	7	6 $\frac{1}{2}$
90 "	85	6	6 $\frac{1}{2}$	6 $\frac{1}{2}$	6 $\frac{1}{2}$	7	6 $\frac{1}{2}$
95 "	90	6	6 $\frac{1}{2}$	6 $\frac{1}{2}$	6 $\frac{1}{2}$	7	6 $\frac{1}{2}$
100 "	95	6	6 $\frac{1}{2}$	7	7	7 $\frac{1}{2}$	7
110 "	100	6 $\frac{1}{2}$	7	7 $\frac{1}{2}$	7 $\frac{1}{2}$	8	7
120 "	110	6 $\frac{1}{2}$	7	7 $\frac{1}{2}$	7 $\frac{1}{2}$	8	7 $\frac{1}{2}$
130 "	120	7	8	8	8	8 $\frac{1}{2}$	8
140 "	130	7 $\frac{1}{2}$	8	8 $\frac{1}{2}$	8 $\frac{1}{2}$	8 $\frac{1}{2}$	8
150 "	140	7 $\frac{1}{2}$	8	8 $\frac{1}{2}$	8 $\frac{1}{2}$	9	8 $\frac{1}{2}$
160 "	150	8	8 $\frac{1}{2}$	9	9	9 $\frac{1}{2}$	9
170 "	160	8 $\frac{1}{2}$	9	9 $\frac{1}{2}$	9 $\frac{1}{2}$	9 $\frac{1}{2}$	9
180 "	170	8 $\frac{1}{2}$	9	9 $\frac{1}{2}$	9 $\frac{1}{2}$	10	9 $\frac{1}{2}$
190 "	180	9	10	10	10	10 $\frac{1}{2}$	10
200 "	190	9 $\frac{1}{2}$	10	10 $\frac{1}{2}$	10 $\frac{1}{2}$	10 $\frac{1}{2}$	10
210 "	200	9 $\frac{1}{2}$	10	10 $\frac{1}{2}$	10 $\frac{1}{2}$	11	10 $\frac{1}{2}$
220 "	210	10	10 $\frac{1}{2}$	10 $\frac{1}{2}$	10 $\frac{1}{2}$	11	10 $\frac{1}{2}$
230 "	220	10	10 $\frac{1}{2}$	11	11	11 $\frac{1}{2}$	11
240 "	230	10 $\frac{1}{2}$	11	11 $\frac{1}{2}$	11 $\frac{1}{2}$	12	11 $\frac{1}{2}$
250 "	240	11	11 $\frac{1}{2}$	11 $\frac{1}{2}$	11 $\frac{1}{2}$	12	11 $\frac{1}{2}$
260 "	250	11	12	12	12	12 $\frac{1}{2}$	12
270 "	260	11 $\frac{1}{2}$	12	12	12	12 $\frac{1}{2}$	12
280 "	270	11 $\frac{1}{2}$	12	12 $\frac{1}{2}$	12 $\frac{1}{2}$	13	12 $\frac{1}{2}$
290 "	280	12	12 $\frac{1}{2}$	12 $\frac{1}{2}$	12 $\frac{1}{2}$	13	12 $\frac{1}{2}$
300 "	290	12	12 $\frac{1}{2}$	13	13	13 $\frac{1}{2}$	13
310 "	300	12	13	13	13	14	13 $\frac{1}{2}$
320 "	310	12 $\frac{1}{2}$	14	14	14	14 $\frac{1}{2}$	14
330 "	320	13	14 $\frac{1}{2}$	14 $\frac{1}{2}$	14 $\frac{1}{2}$	15	14 $\frac{1}{2}$
340 "	330	13 $\frac{1}{2}$	14 $\frac{1}{2}$	15	15	15 $\frac{1}{2}$	15
350 "	340	14	15	15	15	16	15 $\frac{1}{2}$
360 "	350	14	15 $\frac{1}{2}$	15 $\frac{1}{2}$	15 $\frac{1}{2}$	16	15 $\frac{1}{2}$
370 "	360	14 $\frac{1}{2}$	16	16	16	16 $\frac{1}{2}$	16
380 "	370	14 $\frac{1}{2}$	16	16 $\frac{1}{2}$	16 $\frac{1}{2}$	17	16 $\frac{1}{2}$
390 "	380	15	16 $\frac{1}{2}$	16 $\frac{1}{2}$	16 $\frac{1}{2}$	17 $\frac{1}{2}$	17
400 "	390	15	17	17	17	18	17 $\frac{1}{2}$
410 "	400	15 $\frac{1}{2}$	17	17 $\frac{1}{2}$	17 $\frac{1}{2}$	18 $\frac{1}{2}$	18
420 "	410	16	17 $\frac{1}{2}$	18	18	18 $\frac{1}{2}$	18
430 "	420	16	18	18	18	19	18 $\frac{1}{2}$
440 "	430	16 $\frac{1}{2}$	18	18 $\frac{1}{2}$	18 $\frac{1}{2}$		
450 "	440	16 $\frac{1}{2}$	18	18 $\frac{1}{2}$	18 $\frac{1}{2}$		
460 "	450	17	18 $\frac{1}{2}$	19	19		
470 "	460	17	19				
480 "	470	17 $\frac{1}{2}$					
490 "	480	17 $\frac{1}{2}$					
500 "	490	18					

PART IV.

SUBJECT

BASIS FOR RATES ON HORSES, MULES OR ASSES.

The following basis shall be used in computing the charges on movements of horses, mules or asses. For the purpose of applying this rule two colts (not exceeding 450 pounds each) will be considered one head.

Distance- Miles	NUMBER OF HEAD														
	Plains Scale					Mountain Scale					Differential Scale				
	1	2	3	4	5	1	2	3	4	5	1	2	3	4	5
4 & Under	1.50	2.00	2.50	3.00	3.50	1.95	2.60	3.25	3.90	4.55	.45	.60	.75	.95	1.05
6 & Over	4.20	5.00	5.80	6.60	7.40	5.20	6.10	7.00	7.90	8.80	.60	.75	.90	1.05	1.20
8 & "	6.20	7.20	8.20	9.20	10.20	7.20	8.30	9.40	10.50	11.60	.75	.90	1.05	1.20	1.35
10 & "	8.20	9.40	10.60	11.80	13.00	9.20	10.50	11.80	13.10	14.40	.90	1.05	1.20	1.35	1.50
12 & "	10.20	11.60	13.00	14.40	15.80	11.20	12.70	14.20	15.70	17.20	1.05	1.20	1.35	1.50	1.65
14 & "	12.20	13.80	15.40	17.00	18.60	13.20	14.90	16.60	18.30	20.00	1.20	1.35	1.50	1.65	1.80
16 & "	14.20	16.00	17.80	19.60	21.40	15.20	17.10	19.00	20.90	22.80	1.35	1.50	1.65	1.80	1.95
18 & "	16.20	18.20	20.20	22.20	24.20	17.20	19.30	21.40	23.50	25.60	1.50	1.65	1.80	1.95	2.10
20 & "	18.20	20.40	22.60	24.80	27.00	19.20	21.50	23.80	26.10	28.40	1.65	1.80	1.95	2.10	2.25
22 & "	20.20	22.60	25.00	27.40	29.80	21.20	23.70	26.20	28.70	31.20	1.80	1.95	2.10	2.25	2.40
25 & "	22.20	24.80	27.40	30.00	32.60	23.20	25.90	28.60	31.30	34.00	2.05	2.20	2.35	2.50	2.65
Rates in Dollars and Cents per Head (Subject to Note 1)															
Plains Territory					Mountain Territory					Differential Territory					

40 & Over 25	\$1.80	2.30	.50
50 " " 40	2.00	2.60	.60
75 " " 50	2.50	3.25	.75
Each additional 25 miles or fraction thereof	.50	.65	.15

NOTE 1: These charges shall be subject to a minimum charge based on five (5) head per truck.

Basis for charges on shipments containing over five (5) head in one truck.

The charge for each head over five (5) in one truck shall be as follows:

Basis for rates on horses, mules or asses:

25 Miles or less	\$.50
50 " And over 25 miles	.75
75 " " " 50 "	1.00
Each additional 25 miles or fraction thereof	1.00

SUPPLEMENT TO APPENDIX K

Rates in cents per 100 pounds (Unless otherwise stated).

Item No.	Commodity	From	To	Rate
3	: Bakery Goods, viz:	:	:	:
	: Biscuits, Matzos,	:	: Colorado Springs	:
	: Bread, Pretzels,	:	: Pueblo	: 30½
	: Cakes, Toast, Crackers,	:	: Minnequa	:
	:	:	:	:
	: Dust or Meal: Biscuit	:	: Hezron	:
	: Bread, Crackers or	:	: Jansen	:
	: Matzos.	: DENVER	: Maitland	:
	:	:	: Pictou	: 45½
	: Subject to current	:	: Pryor	:
	: western classification	:	: Rouse	:
	: as to packing require-	:	: Trinidad	:
	: ments.	:	: Walsenburg and	:
	:	:	: unnamed directly	:
	:	:	: intermediate	:
	:	:	: points	:
	:	:	:	:
	:	:	:	:
4	:	: Blende	: Colorado Springs	:
	:	: Pueblo	: Denver	: 30½
	:	: Minnequa	:	:
	:	:	:	:
	:	:	:	:
	: Fresh Meats and Pack-	:	: Colorado Springs	: 27
	: ing House Products as	: DENVER	: Pueblo	: 31
	: described in Items Num-	:	: Trinidad	: 40
	: bers 9 and 12-A	:	:	:
	: straight or mixed	:	: Colorado Springs	: 25
	: shipments, minimum	: PUEBLO	: Denver	: 31
	: weight 12,000 pounds.	:	: Trinidad	: 31
	:	:	:	:
	:	:	:	:
	:	:	:	:
	:	:	:	:
	:	:	:	:
	:	:	:	:
5	:	: Between	: And	:
	: Iron or Steel Articles	:	:	:
	: viz:	:	: Colorado Springs	:
	: Connections, pipe,	: DENVER	: Colorado City	:
	: iron, viz: Bends;	:	: Blende	: 20
	: branches; caps; crosses;	:	: Pueblo	: (See Note 2)
	: couplings; elbows;ells::	:	: Minnequa	:
	: ends, flanged; hub	:	:	:
	: ends; spigot ends;	:	:	:
	: flanges; headers; in-	:	:	:
	: -creasers; joints; nip-	:	:	:
	: ples; offsets; pipe,"Y";	:	:	:
	: plugs; drip pockets;	:	:	:
	: reducers; saddles:	:	:	:
	: sleeves; split sleeves;	:	:	:
	: tees, split tees; union:	:	:	:
	: pipe, cast iron or	:	:	:
	: steel; pipe, cast iron	:	:	:
	: with prepared joints	:	:	:
	: (See Note 1); pipe	:	:	:
	: wrought iron or steel;	:	:	:
	: pipe, wrought conduit;	:	:	:

Note 1: Prepared joints, consisting of lead, iron or wood wedges or lute or rubber rings inserted in bell or large end, securely held in place by wooden blocks or composition protectors, and not projecting beyond end of pipe.

Note 2: Not subject to provisions of Rule No. 19-A.

Appendix M.

Brick and Articles taking Same Rates.

The rates herein prescribed on brick will apply on the following commodities, when made of clay or shale, except as otherwise indicated.

Column "A" rates apply on articles shown in Section 1 of this item.

Section 1-

Brick, building or facing (solid, hollow or perforated,) except enameled or glazed, other than salt-glazed.
Brick, fire including fire brick shapes; brick, broken, crushed or ground;
Brick, plastic, unshaped (fire clay, ground fire brick and water combined);
Brick, radial chimney; brick, salt-glazed when shipped in same manner as building or facing brick; brick or block, paving, shale or fire clay;
Blocks, hollow building or condensing; blocks, clay, shale, cement, concrete, gypsum, or artificial stone, building or facing (solid, hollow or perforated) except enameled or glazed, also cinder.
Blocks, silo, radial chimney and segment;
Clay, crude or ground, not otherwise indexed by name in the current western classification, clay, crude burnt; clay, fire;
Conduits, clay or shale, not lined; lining, furnace or kiln; mortar, high temperature bonding; rings, acid condensing (earthen);
Shale, ground; slabs (not reinforced with metal), viz: cement, concrete, clay or shale, not enameled, not glazed or ornamental, and not in packages.
Slabs, building or roofing (concrete or cement reinforced); staves, cement or concrete; tile, condensing; tile, fire clay (not glazed or enameled); tile, fire-proofing; tile, hollow building, salt-glazed or plain; tile, concrete roofing; tile, clay roofing.
In straight or mixed shipments. Minimum weight 10,000 pounds.

Column "B" rates apply on articles shown in Section 2 of this item.

Section 2

Drain tile, or drain tile fittings, clay, concrete or earthen, straight or mixed shipments. Minimum weight 8,000 pounds.

Column "C" rates apply on articles shown in Section 3 of this item.

Section 3

Sewer pipe and/or fittings, clay, concrete or earthen, straight or mixed shipments. Minimum weight 8,000 pounds.

Column "D" rates apply on articles shown in Section 4 of this item.

Section 4

Terra cotta for building purposes; also terra cotta brick, straight or mixed shipments 10,000 pounds.

Column "E" rates apply on articles shown in Sections 5 and 6 of this item.

Section 5.

Cement, hydraulic, Portland or natural.

Section 6.

Plaster, calcined, plaster of paris, stucco or wall plaster, colored, consisting of a mixture of two or more of the following commodities: Plaster or lime or Portland cement or gypsum or Keene's cement and not less than 50% sand or chatts; also to include but not to exceed 3% of dry color.

Keene's cement (wall plaster) in packages as provided in western classification.

Blocks, gypsum or plaster, viz: building (hollow or perforated, except enameled.)

Tile, gypsum or plaster, viz: fire proofing; hollow building.

Gypsum filler.

Gypsum, ground.

Straight or mixed truck loads, minimum weight

Sub. Column 1, 20,000 pounds, Sub. Column 2,
10,000 pounds.

Column "F" rates apply on articles shown in Section 7 of this item.

Section 7.

Lumber and the following articles made of the same kind of wood or woods, (will not apply on woods of value, such as teack, coco bolo, etc.)

Agricultural implement wood, sleigh and vehicle wood, in the rough, not further finished than rough sawed, rived or split from the bolt.

Base boards; bed slats; bee hives, K.D., flat, in bundles, billets, blocks, corner, base, head and plinth, box lumber or shooks, including fruit and vegetable packages, made from box material, scarfed or unscarfed; scarfed or unscarfed berry box material in racks or in bundles; boxes or crates K.D., in bundles; egg case material, comprised of sides, tops and bottoms, centers and ends having cleats attached.

Boxes, K.D., in bundles, N.O.I.B.N.; carpenter's mouldings, plain;

Casing (except panel); ceiling (except panel); combined lath and sheathing; cordwood; fence posts; flooring (except wood carpet and parquet flooring); guttering, rough; grain doors; handle

Timber, sawed, square, rived or split from bolt, not further finished; heading; hoop poles; hoops; lath; logs; mine timbers;

Paving blocks; pickets; piling; pipe material including iron bands and wooden or iron connections for wooden pipe, consisting of-ells, tees, crosses and reducers; sawdust, shavings; shingles; spools (for barbed wire), K.D., stakes, survey, staves; heading and hoops.

Tank, vat and silo material, sawed to shape, dressed, tongued or grooved; tan bark; telegraph and telephone poles; telegraph and telephone cross arms, pins, brackets and braces; telegraph and telephone, steps, wooden, ties, railroad; well tubing; wainscoting (except panel).

In straight or mixed truckload shipments, minimum weight,
10,000 pounds.

Column "G" Rates apply on articles of wood or woods, (except woods of value)
shown in Section 8 of this item (Not polished or varnished.)

Section 8 -

Angle Beads; Astragals; Balusters; Balustrade Work; Blinds, inside and
outside and shutters; cases, packing, wire-bound, K. D. Flat; Closet
Tanks, K.D.; Closet Seats; cores; cornice brackets; corner beads; doors,
panel; doors, screens; doors, unglazed, or glazed with common window
glass or glass given the same C.L. rating as common window glass in
current Western classification; Gable ornaments; grille work; panel
jambs; panel wainscoting and ceiling; pantry fittings, K.D.; pilasters;
porch work (Newels, Columns, Railing, Balusters and Post ornaments), K.D.
sash unglazed or glazed with common window glass or glass given same
carload rating as common window glass in current Western Classification
scroll work; shelves, K.D.; spindles; stair work (newels, Risers,
treads, railings, balusters and post ornaments) K. D.; tent pins, poles
and keys; trunk slats, unfinished; window, door, blind and screen frames,
set up or K.D., window screen; wooden mine wedges.

In straight or mixed truckload shipments or in mixed shipments with
articles named in section 7, minimum weight 10,000 pounds.

S C A L E S

RATES IN CENTS PER 100 POUNDS

C O L U M N												
A B C D				E						F G		
Sub - Column												
1 2 1 2 1 2												
Plains Mountain Differen-												
Scale Scale 'tialScale												
Distance - Miles												
5 and under	6	7½	8½	14	5	7	14½	16½	9½	9½	5	6½
10 " Over 5	7½	8½	9½	14½	5	7	15	17	10	10	7½	9
15 " " 10	8	9	10	15	5	7	15½	17½	10½	10½	8	9½
20 " " 15	8½	9½	10½	16	5	7	16	18	11	11	9	10½
25 " " 20	9	10	11	17	6	8	17½	19½	11½	11½	10	11½
30 " " 25	9½	10½	11½	18	6½	8½	18	20	11½	11½	10½	12
35 " " 30	10½	11½	12½	19	7	9	18½	20½	11½	11½	11	12½
40 " " 35	12	13	14	20	8½	10½	20	22	11½	11½	11½	13
45 " " 40	13	14	15	21	9	11	20½	22½	11½	11½	12	13½
50 " " 45	13½	14½	15½	22	10	12	21½	23½	11½	11½	12½	14
55 " " 50	14	15	16	23	11½	13½	23	25	11½	11½	13	14½
60 " " 55	15	16	17	24	12	14	23½	25½	11½	11½	13½	15
65 " " 60	15½	16½	17½	25	13	15	24½	26½	11½	11½	14	15½
70 " " 65	16	17	18	26	13½	15½	25	27	11½	11½	14½	16
75 " " 70	17	18	19	27	14½	16½	26	28	11½	11½	15	16½
80 " " 75	18	19	20	27½	15½	17½	27	29	11½	11½	15½	17
85 " " 80	18½	19½	20½	28	16½	18½	28	30	11½	11½	16	17½
90 " " 85	19	20	21	29	17½	19½	29	31	11½	11½	16½	18
95 " " 90	19½	20½	21½	30	17½	19½	29	31	11½	11½	17	18½
100 " " 95	20	21	22	31	18½	20½	30	32	11½	11½	17½	19
110 " " 100	20½	21½	22½	32	19½	21½	31	33	11½	11½	18	19½
120 " " 110	21½	22½	23½	33	20½	22½	32½	34½	12	12	19	20½
130 " " 120	22	23	24	34	21	23	33	35	12	12	20½	22
140 " " 130					22	24	34	36	12	12	22	23½
150 " " 140					23	25	35½	37½	12½	12½	23½	25
160 " " 150					23½	25½	36	38	12½	12½	25	26½
170 " " 160					24	26	37	39	13	13	26½	28
180 " " 170					25	27	38	40	13	13	28	29½
190 " " 180					25½	27½	39	41	13½	13½	29½	31
200 " " 190					26	28	39½	41½	13½	13½	31	32½

RATES IN CENTS PER 100 POUNDS
(continued)

C O L U M N

	A	B	C	D	E						F	G
					Sub - Column							
					1	2	1	2	1	2		
					Plains	Mountain	Differen-					
Distance - Miles					Scale	Scale	tial Scale					
210 and Over 200					27	29	41	43	14	14	33½	35
220 " " 210					27½	29½	41½	43½	14	14	35	36½
230 " " 220					28	30	42	44	14	14	37½	39
240 " " 230					28½	30½	43	45	14½	14½	40	41½
250 " " 240					29	31	44	46	15	15	42	43½

APPENDIX N.

BEVERAGES, VIZ:

Carbonated (charged), or not carbonated, flavored or phosphated, N.O.I.B.N. Beverages, such as Birch Beer, Ginger Ale or Sarsaparilla not including extracts, syrups or alcoholic liquors.

Beverages: Cereal, non-intoxicating.

Liquors, Malt: Ale, Beer, Beer Tonic, Porter or Stout.

Water: Mineral or Spring, Plain, Concreted or Fortified, Carbonated (Charged), or Not Carbonated.

Water: Plain Spring.

Bottle openers or can tappers packed in separate boxes may be shipped in straight or mixed shipments with one or more of the above-named commodities at the applicable rate. The weight of the bottle openers or can tappers not to be used in making up the minimum weight.

Straight or mixed truckloads, minimum weight, column 1 - 20,000 pounds; Column 2 - 10,000 pounds.

Distance - Miles	Plains Scale		Mountain Scale		Differential Scale	
	Column 1	Column 2	Column 1	Column 2	Column 1	Column 2
5 and Under	12	15	15½	19½	3½	4½
10 " Over 5	12½	15½	16	20	3½	4½
15 " " 10	13	16	17	21	4	5
20 " " 15	13½	16½	17½	21½	4	5
25 " " 20	14	17½	18	23	4	5½
30 " " 25	14½	18½	19	24	4½	5½
35 " " 30	15	19	19½	25	4½	6
40 " " 35	16	20	21	26	5	6
45 " " 40	16½	21	21½	27½	5	6½
50 " " 45	17½	22	23	28½	5½	6½
55 " " 50	18½	23	24	30	5½	7
60 " " 55	19	24	25	31	6	7
65 " " 60	20	25	26	33	6	8
70 " " 65	21	26	27½	34	6½	8
75 " " 70	21½	27	28	35	6½	8
80 " " 75	22	27½	29	36	7	8½
85 " " 80	22½	28	29½	36½	7	8½
90 " " 85	23	28½	30	37	7	8½
95 " " 90	23½	29	30½	38	7	9
100 " " 95	24	30	31	39	7	9
110 " " 100	24½	30½	32	40	7½	9½
120 " " 110	25	31	33	40½	8	9½
130 " " 120	25½	32	33½	42	8	10
140 " " 130	26½	33	34½	43	8	10
150 " " 140	27	34	35	44½	8	10½
160 " " 150	27½	34½	36	45	8	10½
170 " " 160	28	35	36½	45½	8½	10½
180 " " 170	29	36	38	47	9	11
190 " " 180	29½	37½	38½	49	9	11
200 " " 190	30	38	39	49½	9	11½
210 " " 200	31	39	40½	51	9½	12
220 " " 210	32	40	41½	52	9½	12
230 " " 220	32½	40½	42½	53	10	12
240 " " 230	33	41	43	53½	10	12
250 " " 240	33½	42	44	54½	10½	12½
260 " " 250	34	42½	44½	55½	10½	13
270 " " 260	35	43½	45½	56½	10½	13
280 " " 270	35½	44½	46½	58	11	13½
290 " " 280	36	45	47	58½	11	13½
300 " " 290	36½	45½	47½	59½	11	14

APPENDIX N.

Distance - Miles	Plains Scale		Mountain Scale		Differential Scale	
	Column 1	Column 2	Column 1	Column 2	Column 1	Column 2
320 and over 300	38	47 $\frac{1}{2}$	49 $\frac{1}{2}$	61 $\frac{1}{2}$	11 $\frac{1}{2}$	14
340 " " 320	39 $\frac{1}{2}$	49 $\frac{1}{2}$	51 $\frac{1}{2}$	64 $\frac{1}{2}$	12	15
360 " " 340	41	51	53 $\frac{1}{2}$	66 $\frac{1}{2}$	12 $\frac{1}{2}$	15 $\frac{1}{2}$
380 " " 360	41 $\frac{1}{2}$	52	54	67 $\frac{1}{2}$	12 $\frac{1}{2}$	15 $\frac{1}{2}$
400 " " 380	43	53 $\frac{1}{2}$	56	69 $\frac{1}{2}$	13	16
420 " " 400	45	56 $\frac{1}{2}$	58 $\frac{1}{2}$	73 $\frac{1}{2}$	13 $\frac{1}{2}$	17
440 " " 420	45 $\frac{1}{2}$	57	59	74	13 $\frac{1}{2}$	17
460 " " 440	47	58 $\frac{1}{2}$	61	76	14	17 $\frac{1}{2}$
480 " " 460	48	60	62 $\frac{1}{2}$	78	14 $\frac{1}{2}$	18
500 " " 480	49	61	64	79 $\frac{1}{2}$	15	18 $\frac{1}{2}$

Supplement to Appendix H.

Rates on Farm Products, viz: Alfalfa, baled; Barley; Beans, dry; Beets, sugar; Corn; Hay, baled; Oats; Onions, without tops; Potatoes; Rye; Sorghums, all; Wheat, and * Fresh Cucumbers.

* When shipped in open top crates. Empty crates to be returned free of charge when the loaded movement is over the line of the motor carrier handling the return of the empty crates.

Distance - Miles	8000 lbs. or less	Each Additional 100 lbs.
2 and under	\$2.40	.03
3 " over 2	2.80	.035
4 " " 3	3.20	.04

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHERN COLORADO POWER COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO EXERCISE RIGHTS)
UNDER A FRANCHISE GRANTED TO APPLI-) APPLICATION NO. 3461
CANT BY THE BOARD OF COUNTY COMMISS-)
IONERS OF THE COUNTY OF OTERO, IN)
THE STATE OF COLORADO.)

September 21, 1936.

Appearances: J. W. Preston, Esq., of Devine, Preston
and Storer, Esqs., Pueblo, Colorado,
for applicant.

S T A T E M E N T

By the Commission:

This is an application by the Southern Colorado Power Company,
a corporation, duly organized and existing under the laws of the State of Colorado,
for an order and a certificate of public convenience and necessity to exercise
franchise rights granted by the Board of County Commissioners of Otero County,
Colorado, and to distribute electric energy for light, power and heating purposes
to the rural and suburban population of said County of Otero. No protest was
filed against this application.

The applicant is a public utility engaged in the business of
generating electric energy by steam power plants located at Pueblo in Pueblo
County, Colorado, and at Canon City in Fremont County, Colorado, and by a water
power plant located at Skaguay in Teller County, Colorado, and in transmitting
and distributing such electric energy by means of transmission and distribution
lines in the counties of Pueblo, Otero, Bent, Crowley, El Paso, Fremont,
Teller and Custer, in the State of Colorado, which electric energy it sells
for light, heat, power and other purposes.

This Company has been serving customers in Otero County, Colorado,
for many years past and it appeared from the testimony that exclusive of the
cities and incorporated towns therein, said County has a population of about

1,182 people, and the applicant serves 343 customers in said County outside of the cities and towns therein situated.

On August 5, 1936, the Board of County Commissioners of the County of Otero, State of Colorado, passed a resolution granting to said Southern Colorado Power Company, its successors and assigns, the right, privilege and franchise for and during the term of twenty-five years from and after the date thereof, to construct, maintain, renew, repair and operate lines of poles with the necessary wires, appliances and appurtenances over and upon, along, under and across any and all public highways and bridges in the County of Otero, State of Colorado, for the purpose of transmitting electric energy, upon terms and conditions set forth in said resolution, a copy of which is attached to the application herein, marked "Exhibit C". The Southern Colorado Power Company desires to accept said franchise and render the service required.

It further appeared at the hearing that the applicant's present capital investment in said County of Otero, outside of the incorporated cities and towns therein located, is approximately \$100,000.00. However, the Commission will not be bound by this figure in any subsequent rate investigation, should such occur.

It also appears that the applicant will not compete with any existing lines, plant or system for furnishing electricity in said County of Otero and that said County of Otero has not heretofore been or now is served by any other public utility of like character to applicant.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the public convenience and necessity requires the exercise by the applicant of the privileges and rights contained in said franchise granted by the Board of County Commissioners of Otero County, to the applicant herein, to distribute electric energy within the County of Otero from its transmission lines.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by the applicant herein of the franchise

rights and privileges granted in that certain resolution passed by the Board of County Commissioners of Otero County, at a regular meeting held August 5, 1936, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity require the distribution of electric energy by the applicant herein to the public residing in the rural districts of Otero County, Colorado, from its transmission lines, plant and system, and such extensions thereof as may be necessary and practicable for the purpose of serving said rural inhabitants of said County of Otero, 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 its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]
W. C. [Signature]

[Signature]
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. H. McMULLEN FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3454-PP

September 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Winston S. Howard, Esq., Denver, Colorado,
for Roy Newton and Millard Peterson;
R. M. Sandhouse, Esq., Sterling, Colorado,
for The Chicago, Burlington and Quincy
Railroad Company.

S T A T E M E N T

By the Commission:

The application filed by applicant seeks authority to transport farm products, including livestock, also refined oil and oil machinery. At the hearing, applicant stipulated that the authority sought for the transportation of refined oil and oil machinery might be eliminated from his application.

As so limited, it would appear that applicant now seeks a Class "B" permit authorizing the transportation of farm products, including livestock, from point to point within an area described as follows: Three miles east, five miles north, fourteen miles south and fifteen miles west of Cope, Colorado, and from said area to and from other points in Colorado.

As so limited, all objections to the granting of the permit were withdrawn by the protestants present.

The financial standing and operating reliability of applicant were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and so finds, that as limited, the permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. H. McMullen of Cope, Colorado, be, and he is hereby authorized to operate as a Class "B" private carrier

by motor vehicle for hire, for the transportation of farm products, including livestock, from point to point within the following area; Three miles east, five miles north, fourteen miles south and fifteen miles west of Cope, Colorado, and from said area to and from other points in the State of Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. H. Danks

Walter E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

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WJ

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
WALTER J. DAVIS FOR A CLASS B PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF FREIGHT FOR HIRE.)

APPLICATION NO. 2722-PP

WJ

G-1587

September 21, 1936.

Appearances: Walter J. Davis, Hayden, Colorado,
pro se;
J. F. Meador, Esq., Craig, Colorado,
for Colorado Motor Express, Inc.;
J. H. Shepherd, Esq., Denver, Colorado,
for The Denver and Salt Lake Railway Co.;
Stanley Larson, Steamboat Springs, Colorado,
for Larson Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms and ranches within a 15-mile radius of Hayden, Colorado, to elevators and markets at Hayden, Steamboat Springs and Craig, and for the transportation of livestock from the above described area to Denver, Colorado.

At the hearing, the applicant stated that he was engaged in farming and at odd times desired to utilize his truck, a 1935 1½-ton Chevrolet.

From the applicant's own testimony, it appears that he has been doing some trucking for the past three years but made no reports. He stated, however, that he did have a record of past hauls and would send the reports in.

This application has been delayed since the date of the hearing, as the Commission had some doubts as to the qualification of the applicant. There appeared to be no objection to his having the right to transport livestock to Denver, but there were objections to back hauls in competition with line carriers.

After careful consideration of the testimony and the record, the

Commission is of the opinion and finds, that the applicant should be given authority to transport farm products to elevators and loading points within the area abovedescribed, and there being no objection to livestock movements to Denver with no back haul, the applicant shall have this authority.

O R D E R

IT IS THEREFORE ORDERED, That Walter J. Davis, Hayden, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products from farms and ranches within a radius of 15 miles of Hayden, Colorado, to markets and elevators at Hayden, Steamboat Springs and Craig, and for the transportation of livestock between ranches and carloading points at Hayden and to markets at Denver, Colorado, provided, however, that the applicant does not make back hauls of freight from Denver, Colorado, in competition with scheduled common carriers now serving along U. S. Highway 40.

IT IS FURTHER ORDERED, That the applicant shall make full reports covering his past operations and pay the tax disclosed to be due before this permit is issued to him.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniel
McDankes
Malcolm Swickard
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
RUFUS M. MEACHUM FOR A CLASS "A")
PERMIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3431-PP

September 21, 1936.

Appearances: Mr. Rufus M. Meachum, Beulah, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association and
Wes V. McKaughan;
Mr. A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Association;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company
and Keith Truck Line.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of all commodities from Pueblo to Beulah and farms in the Beulah Valley with back haul of livestock or grain from said farms to Beulah, and the transportation of coal from coal fields in the Florence area by way of Wetmore to Beulah and said farms.

The evidence disclosed that Beulah is a summer resort and that the summer population is approximately one thousand, there being about one hundred cottages in Beulah and five farms in the vicinity. The demand for transportation service for the most part will be during the summer months.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be granted.

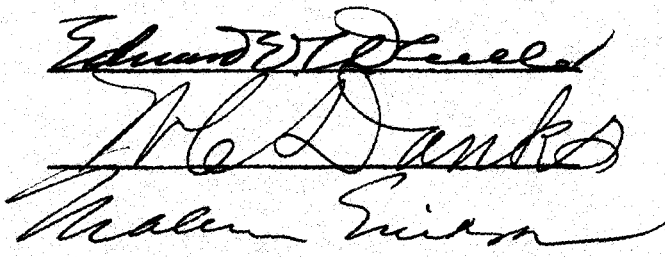
O R D E R

IT IS THEREFORE ORDERED, That Rufus M. Meachum should be, and he hereby is, authorized to operate as a Class "A" private carrier by motor vehicle for hire for the transportation of all commodities from Pueblo to Beulah and farms in the Beulah Valley with back haul of livestock or grain from said farms to Beulah, and the transportation of coal from coal fields in the Florence area by way of Wetmore to Beulah and said farms.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL 75

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF WES V. MCKAUGHAN TO EXTEND)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY, PUC NO. 589.)

APPLICATION NO. 1637-AA-BB

September 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the applicant;
Mr. A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

In Decision No. 7347, in the above styled matter, on March 16, 1936, the Commission extended the certificate of public convenience and necessity of Wes V. McKaughan, ~~therefore~~ limited to the transportation of all types of commodities within a radius of 35 miles of Rye, Colorado to include the transportation of farm produce and livestock from rural points in said area and from towns in said area not served by scheduled common carriers to Denver, with back haul from Denver to said rural districts and said towns not served by scheduled common carriers of farm supplies including furniture and farm equipment, excluding, however, the right to transport commodities between towns in said area then served by common carriers and the service of points intermediate Denver to Rye.

Applicant now seeks authority to extend said certificate to include the transportation of farm products, livestock and farm supplies including used household goods and furniture, and farm equipment and machinery from and to points within a radius of 35 miles of Rye to and from points in the State of Colorado.

James S. and Homer L. Mulkey were in Application No. 1482 granted a certificate of public convenience and necessity, PUC No. 445, for the conduct

of a general freighting, transfer, moving and cartage business in the City of Walsenburg and the Counties of Huerfano and Las Animas. In order to meet the objections of Mr. Mulkey, applicant agreed that he would eliminate the transportation of household goods and furniture to and from that part of the afore-described area which is included within the limits of Mr. Mulkey's territory. As limited, protestants withdrew objections to the granting of said extension.

The evidence disclosed that there is a considerable demand in the farming areas surrounding Rye for the service sought by applicant and that public convenience and necessity requires the proposed service.

Applicant proposes to use the same equipment being used by him in his common carrier operation.

After a careful consideration of the record, the Commission is of the opinion, and finds, that public convenience and necessity requires the proposed extended service of applicant and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed extended motor vehicle common carrier call and demand freight service of applicant for the transportation of farm products including livestock, farm supplies including used household goods, furniture, farm equipment and machinery from and to points within a radius of 35 miles of Rye, Colorado to and from points in the State of Colorado, provided that applicant shall not engage in the transportation of household goods and furniture from and to points served by Mulkey Transfer and Storage Company under its certificate granted in Application No. 1482, PUC No. 445, and under this extension shall not transport such commodities as are ordinarily handled by line haul motor vehicle services between points now served by scheduled motor vehicle common carrier service, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Danks
W. L. Danks
Neale E. Eason
Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF JESS McKINSTER FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-36.)

APPLICATION NO. 3371-PP-B

September 21, 1936.

Appearances: Jess McKinster, Watkins, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

The applicant herein is the owner of Permit No. A-36 for the conduct of a milk haul, which right he acquired from Small Brothers to serve an area described as follows:

"One mile east of Watkins along U. S. 40, thence north eight miles, thence west four miles, thence south eight miles, via county roads and via U. S. 40, to Aurora and Denver."

The applicant now seeks authority to transport grain and livestock to and from an area described as follows:

"Extending three miles east, twelve miles north, eight miles west and five miles south of Watkins, to and from Aurora and Denver, via county roads within said area and to Aurora and Denver via U. S. 40.

The applicant has sufficient equipment to conduct the operation. There was no objection offered by protestants appearing at the hearing to the issuance of this extension.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion and finds that the extension sought by the applicant should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-36 be, and the same is hereby extended to include (in addition to milk, cream and dairy products with- in the area described in Decision No. 6988), grain and livestock to and from points within the following described area:

Extending three miles east, twelve miles north, eight miles west and five miles south of Watkins, Colorado, to and from Aurora and Denver, Colorado, via county roads within said area and via U. S. 40 to and from Aurora and Denver.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or here- after be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Oliver
W. L. Danks
Wm. E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF JAMES WOOLF AND ED WEITZEL, CO-
PARTNERS, OF TIMNATH, COLORADO FOR
A CLASS B PERMIT TO OPERATE AS PRI-
VATE CARRIERS BY MOTOR VEHICLE FOR
HIRE.

APPLICATION NO. 3468-PP

September 21, 1936.

Appearances: James Woolf, Timnath, Colorado, for
the applicants;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The applicants herein, James Woolf and Ed Weitzel, co-partners, seek authority to transport pickles only from Timnath receiving station to Loveland, Fort Collins and Broomfield, for Libby, McNeill and Libby. It appeared that the applicants have a Diamond T truck and a Chevrolet and are financially able to conduct the operation. No objections were interposed to the granting of the authority sought.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That James Woolf and Ed Weitzel, co-partners, of Timnath, Colorado, be and they hereby are granted a Class "B" permit to operate as private carriers by motor vehicle for hire, for the transportation of pickles only from Timnath receiving station to Loveland, Fort Collins and Broomfield, Colorado, for the firm of Libby, McNeill and Libby.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dineen

W. L. Danks

Walter E. Eick

Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

R

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF G. R. PRATT FOR A CLASS "A") APPLICATION NO. 3390-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 21, 1936.

Appearances: Mr. G. R. Pratt, 809 West 16th St.,
Pueblo, Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association; and E. J. Gottula;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company,
Keith Truck Line and Loens Truck Line.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to transport hay, grain and hogs from farms in the Avondale, Vineland and Broadacre districts to Pueblo, and hay and grain to Pueblo from the farming area adjacent to Westcliff.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That G. R. Pratt should be, and he hereby is granted a Class A permit to operate as a private carrier by motor vehicle, for hire, for the transportation of hay, grain and hogs from farms in the Avondale, Vineland and Broadacre districts to Pueblo, and hay and grain to Pueblo from the farming area adjacent to Westcliff.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein

granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. C. Danks

W. C. Danks
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. C. FEARNOW AND SONS FOR A)
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3388-PP

Sept. 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Mr. A. J. Fregeau, Denver, Colorado,
for Motor Truck Common Carriers Ass'n;
J. D. Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company
and Keith Truck Line.

S T A T E M E N T

By the Commission:

R. C. Fearnow, doing business as R. C. Fearnow and Sons, herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of (a) liquid fuel and petroleum products from the Colorado-Wyoming state line and the Colorado-Kansas state line in interstate commerce to any point in the State of Colorado, (b) farm products from any point in the State of Colorado to the Colorado-Kansas state line and the Colorado-Wyoming state line in interstate commerce, (c) liquid fuels and petroleum products from Pueblo to any point in the State of Colorado in intrastate commerce, and (d) farm products except live stock from farms within a radius of 25 miles of Pueblo to Pueblo and any point in the state of Colorado in intrastate commerce.

The evidence disclosed that applicant now is transporting gasoline and petroleum products under authority of the Commission, said Permits being Permit C-410, Permit A-728 and Permit A-728-I.

Applicant at the commencement of the hearing, in addition to the authority heretofore mentioned, sought authority to haul farm products out of Canon City and pick up farm products in Pueblo, but waived said request and agreed that he would not transport commodities except liquid

fuels and petroleum products between towns served by authorized line haul common carrier services.

Mr. Stanley Blunt, for the Southwestern Transportation Company, objected to the issuance of permit unless applicant filed list of customers and memorandum of contracts entered into by him with shippers.

Inasmuch as our rules now require contracts, or memorandum thereof, to be filed with list of customers, we do not believe that this objection was well taken.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That R. C. Fearnow, doing business as Fearnow and Sons, should be, and he hereby is authorized to operate as a Class "B" intrastate carrier by motor vehicle for hire for the transportation of (a) farm products except livestock from farms within a radius of 25 miles of Pueblo to Pueblo and any point in the State of Colorado in intrastate commerce; (b) liquid fuels and petroleum products from Pueblo to any point in the State of Colorado in intrastate commerce; (c) liquid fuels and petroleum products from the Colorado-Wyoming state line and the Colorado-Kansas state line in interstate commerce to any point in the State of Colorado, and (d) farm products from any point in the State of Colorado to the Colorado-Kansas state line and the Colorado-Wyoming state line in interstate commerce.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That said interstate permit shall issue subject to the provisions of the Federal Motor Carrier Act of 1935 and shall bear the same number as the intrastate permit herein granted followed by the letter "I".

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Wheeler
W. C. Danks
W. S. Emerson
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

941-5

(Decision No. 8421)

C.H.R.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF HUNTER CLARKSON, INC., OF SANTA)
FE, NEW MEXICO, FOR A PERMIT AU-)
THORIZING THE TRANSPORTATION OF)
PASSENGERS IN INTERSTATE COMMERCE)
BETWEEN THE COLORADO-NEW MEXICO)
STATE BOUNDARY LINE ON ANY REGULAR)
HIGHWAY ENTERING COLORADO ON CIRCLE)
TOURS TO ANY POINT OR POINTS OF)
SCENIC OR HISTORIC INTEREST WITHIN)
THE STATE OF COLORADO, LEAVING THE)
STATE OF COLORADO OVER ANY REGULAR)
HIGHWAY BUT IN NO EVENT TO PICK UP OR)
DISCHARGE PASSENGERS WITHIN THE STATE)
OF COLORADO.)

APPLICATION NO. 3426-I

September 21, 1936.

Appearances: R. F. Maroney, Esq., Equitable Bldg.,
Denver, Colorado, for Hunter Clarkson,
Inc. and the Atchison, Topeka and Santa
Fe Railway Company;
T. R. Woodrow, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.;
Worth Allen, Esq., Denver, Colorado, for
Colorado Sightseeing Association;
J. A. Carruthers, Esq., Colorado Springs,
Colorado, for Pikes Peak Auto Livery;
Henry C. Vidal and J. G. Hodges, Esqs.,
Denver, Colorado, for Rocky Mountain
Motor Company and Rocky Mountain Trans-
portation Company;
Merrill E. Shoup, Esq., Colorado Springs,
Colorado, for Antlers Livery and Taxi.

S T A T E M E N T

By the Commission:

Applicant, Hunter Clarkson, Inc., herein seeks a certificate of public convenience and necessity for "the transportation of passengers in interstate commerce only between the Colorado-New Mexico state boundary line on any regular highway entering Colorado on circle tours and any point or points of scenic or historic interest within the State of Colorado, leaving the State of Colorado over any regular highway and in no event to pick up or discharge passengers within the State of Colorado."

Protestants, immediately after appearances were entered in behalf of respective parties, objected to proceeding with the hearing until applicant presented certified copies of its authority to operate in interstate commerce issued by the Interstate Commerce Commission. The objection was overruled and the testimony was taken.

In the evidence, it appeared that Hunter Clarkson, Inc. is a New Mexico corporation which has been operating since 1925; that from time to time since the year 1925 it has operated in interstate commerce between New Mexico and Colorado, its business in that particular chiefly consisting of the transportation of charter parties from New Mexico points to Mesa Verde; that it filed its application with the Interstate Commerce Commission under the "Grandfather Clause" and learned that it would be necessary to procure an interstate certificate or permit from the Public Utilities Commission of the State of Colorado before it was qualified to operate in this state.

It further appeared that said company operates 45 pieces of equipment of the value of \$60,000 and is otherwise qualified as an operator.

The Commission, heretofore, in Application No. 2458 (Decision No. 6652), in re The Cardinal Stage Lines Company, upon application for an interstate certificate to transport passengers, baggage and express, held that it would not consider the question as to whether the public convenience and necessity does or does not require the motor vehicle system of applicant and denied a request to dismiss the application because applicant prior thereto had not secured a certificate from the Interstate Commerce Commission, and therein issued a Colorado Interstate Permit subject to the Federal Motor Carrier Act.



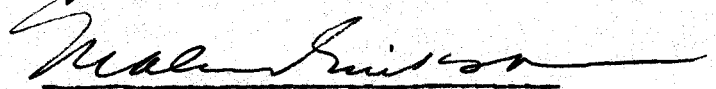
After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the Constitution of the United States and the Laws of the State of Colorado require the issuance ~~to~~ applicant of an

interstate permit authorizing the establishment and operation of a motor bus system for the transportation of passengers in interstate commerce only between the Colorado-New Mexico state boundary line on any regular highway entering Colorado on circle tours and any point or points of scenic or historic interest within the State of Colorado, leaving the State of Colorado over any regular highway and in no event to pick up or discharge passengers within the State of Colorado subject, however, to the provisions of the Federal Motor Carrier Act of 1935, and this order shall be taken, deemed and held to be an interstate common carrier permit therefor.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

CHIEF
FILE

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CHICAGO, BURLINGTON AND QUINCY RAIL-)
ROAD COMPANY FOR AUTHORITY TO CON-)
STRUCT A RAILROAD TRACK ACROSS THE)
PUBLIC HIGHWAY KNOWN AS THE RICKEL)
ROAD IN ADAMS COUNTY, COLORADO.)

APPLICATION NO. 3424

September 21, 1936.

S T A T E M E N T

By the Commission:

On July 29, 1936, the Chicago, Burlington and Quincy Railroad Company by its Attorney filed an application with the Commission requesting authority to cross the highway known as the Rickel Road in Adams County near the City of Denver with its side track leading to a large grain elevator now being constructed by the Omaha Elevator Company, located in the S.W. 1/4 of Sec. 6, Twp. 3 South, Range 67 West, Adams County, Colorado.

The application alleges that said track is required for the purpose of serving said elevator and associated facilities and the public in general and that petitioner is willing and desirous of constructing and maintaining same for the aforesaid purpose.

A copy of the application was duly served on the State Highway Department and the County Commissioners of Adams County.

On August 4, 1936, a reply was received from the State Highway Department advising that the Department had no objection to the installation of this grade crossing since it is located between two crossings already in existence and that apparently the hazards will not be increased.

No reply has been received from the County Commissioners of Adams County and as the specified time for a reply has now been exceeded by more than thirty days it is assumed that the County has no objections to the installation of this grade crossing.

The Commission is advised that the new grain elevator now being constructed by the Omaha Elevator Company is the second large elevator that has recently been established in that vicinity where the conditions are such as to make it convenient to carry on operations of this kind. While the Commission is averse to granting the establishment of grade crossings generally as they are now considered a menace to the safety and convenience of the public, yet there appears to be such extenuating circumstance in this case that this application should be granted; that is, this is an important public enterprise to be served by a rail connection, and there does not appear to be any other way that said track can be constructed from the applicant's railroad to this industrial enterprise, and that there are already other tracks at this crossing going to this elevator and the other elevator. The hazards therefore are not materially increased and a great benefit will inure to this industry.

However, the authority to cross this highway with the side track desired is granted with the distinct understanding that when this track is used by the applicant, the public shall be protected by a flagman at the crossing, and that the highway shall not be blocked by the applicant's trains for a longer period than five minutes at any time.

Therefore, since there appears to be no objections to the granting of this application, the Commission will now, without further proceedings in the matter, issue its order with the above stated reservations.

O R D E R

IT IS THEREFORE ORDERED, In compliance with Section 29 of the Public Utilities Act, as amended, that the Chicago, Burlington and Quincy Railroad Company is hereby permitted to construct and maintain a side-track across the highway known as the Rickel Road at a point on the section line between Sections six (6) and seven (7), Township three (3) South, Range sixty-seven (67) West in Adams County, Colorado, said point being 370 feet west of the northeast corner of the northwest quarter (NW $\frac{1}{4}$) of Section seven (7), said crossing to be at

grade, provided, however, that crossing shall be constructed in accordance with the Commission's plans and specifications as provided in Case No. 879.

IT IS FURTHER ORDERED, That all the expense for labor and material required in the installation of said crossing including the drainage therefor shall be borne by the applicant, the Chicago, Burlington and Quincy Railroad Company.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dukes
W. L. Danks
Nathan E. Eickman
Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRED RUFF OF DENVER, COLORADO,)
DOING BUSINESS AS RUFF COAL COM-)
PANY, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3436-PP

Sept. 21, 1936.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On May 26, 1936, applicant Fred Ruff, doing business as Ruff Coal Company, filed his application for a Class "B" permit to operate as a private carrier by motor vehicle for hire. The matter was regularly set for hearing at Denver, on August 26, 1936, at 10 o'clock A. M., applicant being duly notified thereof. Notwithstanding such notice, he failed to appear.

However, protestants stipulated that said application should be considered as admitted in evidence in behalf of applicant and that permit might issue without objection on their part for the transportation of sand, gravel, rock, cement and other road surfacing materials from points within a radius of 75^{miles}/of Denver to construction jobs in said area.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit as limited by stipulation of protestants should issue.

O R D E R

IT IS THEREFORE ORDERED, That Fred Ruff, doing business as Ruff Coal Company, should be and he hereby is, authorized to operate as a Class "B"

private carrier by motor vehicle, for hire, for the transportation of sand, gravel, rock, cement and other road surfacing materials from points within a radius of 75 miles of Denver to construction jobs in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deere

W. H. Danks

Walter E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF G. R. FRENCH, IDAHO SPRINGS, TO
TRANSFER HIS PERMIT NO. B-503 TO
LESTER W. McMANIS OF IDAHO SPRINGS,
COLORADO.

APPLICATION NO. 3247-PP-A

September 21, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Arthur E. Aldrich, Esq., Idaho Springs,
Colo., for Curnow Transfer & Storage
Company.

S T A T E M E N T

By the Commission:

G. R. French of Idaho Springs, Colorado, the holder of Permit B-503,
files an application in which Lester W. McManis joins, for authority to trans-
fer said permit to McManis.

From the testimony it appears that the transferee has two Ford trucks,
one a 1934, the other a 1935, with which he proposes to continue practically the
same operations heretofore conducted by the transferer, and that the transferee
has other property. His financial standing and reliability was established to
the satisfaction of the Commission.

It appears that the transferer and transferee had been connected in
some way with the previous operation; that on account of some accident, the
transferer was not present at the hearing but the transferee stated that he was
trading some land for the permit which was valued at approximately \$300.00 and
that should any unpaid obligations appear of which he was not advised, the same
would be taken care of, up to at least \$300.00. The transferee further stated
that what he wanted was to take over whatever rights the transferer might have
and that in this connection he understood the transferer had made at least one

trip to Lamar, Colorado, and to points in Kansas and Nebraska, and that he did not care to have any limitations placed upon the permit at this time.

Mr. G. H. Gurnow of the Gurnow Transfer and Storage Company, holder of certificate No. 49, which authorizes a line operation and a rover's right besides, objected to the transfer on the grounds that the transferor had not complied with the Rules and Regulations of the Commission, and it was stipulated that the record in this case should include such part of the record in the office of the Commission as might be necessary to disclose the exact status of insurance carried in connection with Permit B-503. The Assistant Auditor of the Commission testified that all tax had been paid under permit B-503, to and including, May 1936.

The records disclose that insurance was cancelled, effective January 6, 1936, and nothing has been filed by French since that date; however, McManis covered his operation under Permit B-503 by filing a policy in his own name.

Under Rule 7, of the Rules and Regulations Governing Private Carriers by Motor Vehicle, it appears that the principal question in the case of a transfer is the financial standing and reliability of the transferee. That has been proved to the satisfaction of the Commission.

The Commission might reserve its decision in the instant case and initiate show cause proceedings for failure to file insurance covering the period abovementioned. However, it would appear that such action would hardly be justified upon the record.

After careful consideration of the record and the evidence, the Commission is of the opinion and finds that said permit is intact and can be transferred, and that the authority herein sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That G. R. French, be and he hereby is, authorized to transfer to Lester W. McManis of Idaho Springs, Colorado, private Permit No. B-503.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

J. C. Danks

Walter E. Sisk

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

(Decision No. 8432)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF MAX MANZANARES FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3172-PP

September 21, 1936.

Appearances: George H. Blickhahn, Esq., 501½ Main,
Walsenburg, Colorado, for applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association and
Huerfano Freight Line;
Mr. A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of prop timber from Pass Creek near Redwing to coal mines in Huerfano County, railroad ties from the same area to loading point at Sunnyside mine, cement culverts from Walsenburg to Pass Creek located about four miles south of Redwing, and sand, gravel and other road materials from point to point in Huerfano County.

The application was opposed in part by W. Lee Sharp, doing business as Huerfano Freight Line, and, as pointed out in the order in the Cisneros application, recently heard by the Commission, Mr. Sharp's authority is limited to a line haul service and does not extend to Pass Creek, four miles from Redwing. Probably Mr. Sharp will apply for a certificate to render a call and demand service from, to and between points in the Redwing area.

In the instant application it did not appear that applicant contemplates services that will impair the efficiency of any authorized motor vehicle common carrier service. The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Max Manzanares should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of prop timber from Pass Creek near Redwing to coal mines in Huerfano County, railroad ties from the same area to loading point at Sunnyside mine, cement culverts from Walsenburg to Pass Creek located about four miles south of Redwing, and sand, gravel and other road materials from point to point in Huerfano County.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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Edward J. Danks

McDanks

Richard E. Simon
Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ARCHIE DAMELIA, OF LOUISVILLE,)
COLORADO, FOR A CLASS "B" PERMIT) APPLICATION NO. 3447-PP
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

Sept. 21, 1936.

Appearances: Mr. Archie Damelia, Louisville, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Colorado Rapid Transit;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority which, as limited by the
testimony offered at the hearing, would authorize him to transport farm
products from farms within a radius of 5 miles of Louisville to Longmont,
Louisville and Denver.

The operating experience and responsibility of applicant
generally were established to the satisfaction of the Commission.

There was no objection by protestants to the issuance of
permit as limited.

After a careful consideration of the record, the Commission is
of the opinion, and finds, that said permit should issue.

O R D E R

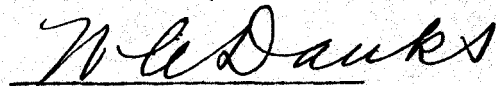
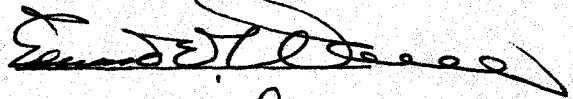
IT IS THEREFORE ORDERED, That Archie Damelia should be, and
he hereby is authorized to operate as a Class "B" private carrier by motor
vehicle for hire, for the transportation of farm products from farms within
a radius of 5 miles of Louisville to Longmont, Louisville and Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed
and held to be the permit herein provided for, said permit herein granted to

become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF M. H. CHESBRO, OF ELDORADO SPRINGS,)
COLORADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3449-PP

Sept. 21, 1936

Appearances: Mr. M. H. Chesbro, Eldorado Springs,
Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Winston S. Howard, Esq., Denver, Colorado,
for Live Stock Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of (a) farm products, including live stock, from point to point within the area bounded on the north by line drawn east and west half way between Eldorado Springs and Boulder and extending to U. S. Highway No. 87 on the east and to points respectively 10 miles south and 10 miles west of Eldorado Springs; (b) farm products including live stock from and to points in said area to and from points in the State of Colorado; (c) coal from mines in the northern Colorado coal fields to Boulder and to Denver, and (d) ore from mines in Mammoth Gulch to railroad and highway loading points in the area described in subdivision (a).

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and responsibility generally of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That M. H. Chesbro should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle

for hire, for the transportation of (a) farm products, including live stock, from point to point within the area bounded on the north by a line drawn east and west half way between Eldorado Springs and Boulder and extending to U. S. Highway No. 87 on the east and to points respectively 10 miles south and 10 miles west of Eldorado Springs; (b) farm products, including live stock, from and to points in said area to and from points in the State of Colorado; (c) coal from mines in the northern Colorado coal fields to Boulder and to Denver; and (d) ore from mines in Mammoth Gulch to railroad and highway loading points in the area described in subdivision (a).

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Brien

J. C. Danks

Malcolm E. Egan

Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF BLAKE G. ARMSTRONG, OF AULT,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3448-PP

-n-
Sept. 21, 1936.

Appearances: Mr. Blake G. Armstrong, Box 45, Ault,
Colorado, pro se;
Mr. A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers
Association, Lyon & Thompson and
Union Delivery Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit which would authorize him to transport (a) farm products, chiefly potatoes, from farms within a radius of 5 miles of Ault and farms within a radius of 5 miles of Eaton to loading stations at Ault, Greeley and Eaton; (b) wheat to Nunn from farms within a radius of 6 miles thereof; and (c) occasional shipments of potatoes from potato warehouses in Greeley, Ault or Eaton, to Eaton, Greeley or Ault, to make up a car for Rothchild Produce Company.

The evidence disclosed that Mr. Armstrong owns a 1935 Chevrolet truck equipped with beet body, and that primarily he proposes to haul potatoes for the Rothchild Company. Mainly, the hauls will be from the farms to storage at Ault and Eaton, but occasionally it will be necessary to move potatoes from one warehouse to another "to make up" a car for shipment.

Protestants withdrew objections to the issuance of authority as limited.

After a careful consideration of the record, the Commission

is of the opinion, and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That Blake G. Armstrong should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of (a) farm products, chiefly potatoes, from farms within a radius of 5 miles of Ault and farms within a radius of 5 miles of Eaton to loading stations at Ault, Greeley and Eaton, (b) wheat to Nunn from farms within a radius of 6 miles thereof, and (c) occasional shipments of potatoes from potato warehouses in Greeley, Ault or Eaton, to Eaton, Greeley or Ault "to make up" a car for Rothchild Produce Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Leary
W. D. Danks
James E. Smith
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL *gg*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JAMES HEMPHILL AND ROBERT HEMPHILL }
TO TRANSFER TO ALBERTA STOKES AND }
R. S. HEMPHILL, THEIR CLASS "B" PRI- }
VATE PERMIT. }

APPLICATION NO. 2937-PP-A

September 21, 1936.

Appearances: Robert Hemphill, Des Moines, New Mexico,
and Alberta Stokes, Pueblo, Colorado,
for transferees:
Mr. A. J. Fregeau, Denver, Colorado, for
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On February 24, 1936, (Decision No. 7247), in Application No. 2937-PP, the Commission granted a Class "B" private permit to Robert Hemphill and James Hemphill of Pueblo, Colorado. On July 10, 1936, James Hemphill and Robert Hemphill filed their application for authority to transfer the permit granted by said order to Alberta Stokes and R. S. Hemphill.

The evidence disclosed that transferees are the owners of a 1936 Chevrolet truck and a 1936 International Truck and that there is no outstanding indebtedness against said operation; that they are pecuniarily able to and will file the necessary insurance and otherwise qualify under said permit.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That James Hemphill and Robert Hemphill should be, and they hereby are, authorized to transfer to R. S. Hemphill and Alberta Stokes the permit granted in said Application No. 2937-PP, (Decision No. 7247), on February 24, 1936.

IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon ^{their} ~~his~~ compliance at all times with all the laws, rules and regulations pertaining to ^{their} ~~his~~ operation which now or hereafter may be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Dancy

W. L. Danks

Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

B

~~CONTROL~~ BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF M. WEINGARTEN FOR A CLASS "B") APPLICATION NO. 3513-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 21, 1936.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit to operate as an intrastate private carrier by motor vehicle for hire, for the transportation of coal from point to point within a radius of 50 miles of Denver, Colorado.

The Motor Truck Common Carriers Association and Colorado Trucking Association heretofore having indicated that they have no objection to the issuance of permits for the service herein sought, the Commission has determined that this matter should be heard, without formal notice, upon the sworn application of applicant.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That M. Weingarten should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of coal from point to point within a radius of 50 miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to

operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HAROLD KEMBLE FOR A CLASS "B") APPLICATION NO. 3443-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

Sept. 21, 1936.

Appearances: Harold Kemble, 4234 Alcott St., Denver,
Colorado, pro se
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of sand, gravel and cement from Denver to construction jobs within a radius of 30 miles thereof without the right to transport cement between points served by line haul motor vehicle carriers.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and responsibility of applicant generally were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That Harold Kemble should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire, for the transportation of sand, gravel and cement from Denver to "construction jobs" within a radius of 30 miles thereof without the right to transport cement between points served by line haul motor

vehicle carriers.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. L. Danks

Wm. E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL ~~8~~

(Decision No. 8440)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF HARRY M. GARBER FOR CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 2849
SUPPLEMENTAL ORDER

September 18, 1936.

S T A T E M E N T

By the Commission:

In the above styled matter, the Commission, on March 12, 1936
(Decision No. 7324), granted a certificate of public convenience and necessity
to Harry M. Garber which as corrected, inter alia, provided:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, Harry M. Garber, for the transportation, not on schedule, of coal, livestock and feed lot supplies from point to point in Sedgwick County, and the transportation of livestock, grain in bulk and hay from points in Sedgwick County to Sterling, Fort Morgan and Denver, with back haul of coal from mines in northern Colorado coal fields and feed lot supplies and livestock from Denver, Fort Morgan, Sterling and points generally in that part of the State of Colorado bounded by state line on the east and north and U. S. Highways 285 and 36 on west and south respectively, to points in said Sedgwick County, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor; provided, however, that said applicant shall not establish a line haul carrier service under this certificate."

It now appears, and the Commission so finds, that said paragraph of said order, being the first paragraph thereof, dated March 12, 1936, Decision No. 7324, as corrected in Decision No. 7393, should be amended and corrected, nunc pro tunc, as of said 12th day of March, 1936, to read:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, Harry M. Garber, for the transportation not on schedule of (a) coal, livestock and feed lot supplies from point to point in Sedgwick County, (b) feed lot supplies (except in competition with scheduled line haul carrier services) and livestock from and to his sales yard in Fort Morgan and points in Sedgwick County to and

from points in the area bounded by the Colorado state line on the north and east, U. S. Highway No. 36 on the south and U. S. Highway No. 87 (formerly U. S. Highway No. 285) on the west, and (c) coal from mines in northern Colorado coal fields to points in Sedgwick County; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, provided that applicant shall not transport commodities that ordinarily are handled by line haul common carriers in competition with said line haul common carriers."

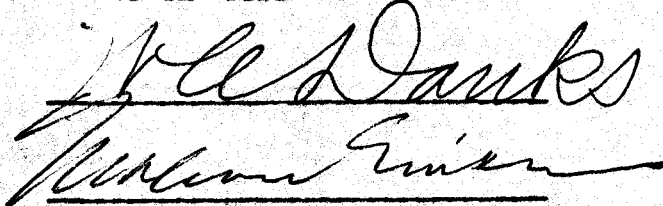
O R D E R

IT IS THEREFORE ORDERED, That said first paragraph of said order of March 12, 1936, Decision No. 7324, as corrected by Decision No. 7393, should be, and the same hereby is, amended and corrected, nunc pro tunc, as of said 12th day of March, 1936 to read as follows:

IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, Harry M. Garber, for the transportation not on schedule of (a) coal, livestock and feed lot supplies from point to point in Sedgwick County, (b) feed lot supplies (except in competition with scheduled line haul carrier services) and livestock from and to his sales yard in Fort Morgan and points in Sedgwick County to and from points in the area bounded by the Colorado state line on the north and east, U. S. Highway No. 36 on the south and U. S. Highway No. 87 (formerly U. S. Highway No. 285) on the west, and (c) coal from mines in northern Colorado coal fields to points in Sedgwick County; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor, provided that applicant shall not transport commodities that ordinarily are handled by line haul common carriers in competition with said line haul common carriers.

IT IS FURTHER ORDERED, That said order, except as to said first paragraph, in all other respects shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

R

Dated at Denver, Colorado,
this 18th day of September, 1936.

CONTROL *gy*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

* * * *

RE MOTOR VEHICLE OPERATIONS OF }
R. S. CHOATE. }

CASE NO. 1835

September 21, 1936.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent is the holder of certificate of public convenience and necessity No. 594, heretofore issued on the 19th day of August, 1931, in Application No. 1266-A, under the provisions of Chapter 134 of the Session Laws of 1927, and acts amendatory thereto, which said certificate authorizes the transportation only of freight from point to point within the city limits of the City of Trinidad, Las Animas County, Colorado; and that at all times since said date the respondent, R. S. Choate, has been and now is a common carrier of property by motor vehicle.

As such common carrier, respondent is, by the provisions of Section 15 of the Public Utilities Act of 1913, required to file a tariff of rates charged and assessed by such common carrier and to maintain such schedule of rates without discrimination or preference. The aforesaid certificate of public convenience and necessity required respondent to file a tariff within twenty days after said date. The records of the Commission disclose that respondent, R. S. Choate, did not within twenty days after date of said order, nor at any time, file a tariff of his rates and charges as required by law and the rules and regulations of this Commission.

Information has come to the Commission, and the Commission is informed and believes that respondent, R. S. Choate, transported freight for hire to and from points outside the city limits of the City of Trinidad without first having obtained a certificate of public convenience and necessity from this Commission

authorizing him to operate as a common carrier by motor vehicle outside the city limits of the City of Trinidad, Colorado, and that said respondent has failed, refused and neglected to file the monthly reports and pay the highway compensation tax required by law to be paid by common carriers by motor vehicle operating over the public highways outside the limits of cities and incorporated towns.

The Commission is of the opinion, and so finds, that a complaint should be instituted, on its own motion, and a hearing and investigation entered into to determine if said respondent has violated the law and the terms and provisions of said certificate of public convenience and necessity No. 594 by failing, refusing and neglecting to file a tariff as required by law and the rules and regulations of the Commission, and whether or not respondent has without lawful authority transported freight for hire as a common carrier by motor vehicle to and from points outside the city limits of the City of Trinidad, Colorado, and whether or not respondent has failed, refused and neglected to file monthly reports of such transportation of property outside the city limits of the City of Trinidad and pay the highway compensation tax required by law to be paid for such use of the public highways outside the City of Trinidad, Colorado.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion, that a complaint be instituted and a hearing and investigation be entered into to determine if the above named respondent has violated the law and the terms and provisions of his said certificate of public convenience and necessity in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking or suspending the certificate of public convenience and necessity of respondent, heretofore issued in Application No. 1266, on account of the aforesaid violations of the law and the rules and regulations of this Commission, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby,
set down for hearing before the Commission in the County Court Room of the Las
Animas Court House, Trinidad, Colorado, on the 2nd day of October, 1936, at
9:30 o'clock A. M., at which time and place such evidence as is proper may be
introduced.

Chairman Wheeler
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

W. L. Danks
W. L. Danks
Commissioners

Dated at Denver, Colorado,
this 21st day of September, 1936.

R

CONTROL *gy*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

MAKE NO

copy

RE MOTOR VEHICLE OPERATIONS OF)
AUGUST HIGDON, PERMIT A-1052.)

CASE NO. 1836

September 21, 1936.

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the respondent, August Higdon, is a private carrier by motor vehicle, operating under and by virtue of private permit No. A-1052, issued on October 30, 1935, in Application No. 2646-PP, authorizing the transportation of coal only from the Baldy Coal Mine three miles southwest of Trinidad to Trinidad, Colorado.

According to the list of customers of respondent filed with the Commission, his only customer is the Baldy Coal Mine of Trinidad, Colorado.

Complaint has been made to the Commission that on June 29 and June 30, 1936, the respondent, August Higdon, transported two loads of household goods from Trinidad to Pueblo, Colorado, for a Mrs. Ward for hire, without first having obtained from the Commission a permit to operate between Trinidad and Pueblo, Colorado, as a private carrier by motor vehicle, or a certificate of public convenience and necessity authorizing him to operate as a common carrier by motor vehicle, which said act of transportation was in violation of the law and of the terms, provisions and limitations of said permit A-1052.

The Commission is further informed and believes that the respondent, August Higdon, has further violated the law and the rules and regulations of the Commission by assessing a rate for the transportation of said furniture which is less than the rate prescribed by the Commission in Case 1585, being

entitled, "In the Matter of a General Investigation of the Freight Rates, and Classification of Freight, of all Common and Private Motor Vehicle Carriers."

Therefore, the Commission is of the opinion, and so finds, that a complaint should be instituted on its own motion, and a hearing and investigation entered into to determine if said respondent has violated the law and the terms and provisions of said Permit No. A-1052 by transporting the aforesaid loads of furniture for hire without lawful authority therefor, and whether or not respondent has violated the orders of the Commission heretofore made and entered in Case No. 1585 by assessing rates for the transportation of household goods for hire, which are less than the rates prescribed by the Commission for the transportation of said commodities.

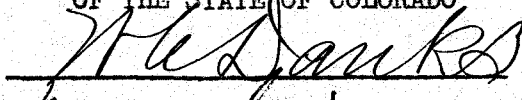

O R D E R

IT IS THEREFORE ORDERED, By the Commission, on its own motion that a complaint be instituted and an investigation and hearing be entered into to determine if the above named respondent has violated the law and the terms and provisions of said permit A-1052 in the particulars aforesaid.

IT IS FURTHER ORDERED, That respondent show cause, if any he have, by written statement filed with the Commission within ten days from this date, why it should not enter an order revoking permit A-1052 heretofore issued to respondent, August Higdon, on account of the aforesaid violations of the law, the terms and provisions of said permit, and of the orders of this Commission made and entered in Case No. 1585, and why it should not enter such other order or orders as may be meet and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and the same is hereby, set down for hearing before the Commission in the County Court Room of the Las Animas County Court House, Trinidad, Colorado, on the 2nd day of October, 1936, at 10:00 o'clock A.M., at which time and place such evidence as is proper may be introduced.

Chairman Wheeler
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners

R
Dated at Denver, Colorado,
this 21st day of September, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF PAT W. ROACH TO TRANSFER HIS)
PRIVATE PERMIT NO. A-968 TO JOHN)
ANTONELLI.)

APPLICATION NO. 2310-PP-A

Sept. 28, 1936.

Appearances: Henry J. Job, Esq., Trinidad, Colorado,
for Pat W. Roach and John Antonelli,
applicants;
Mr. A. J. Fregeau, Denver, Colorado,
for Motor Truck Common Carriers Ass'n
and Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On July 23, 1935, Private Permit No. A-968 issued to Pat W. Roach. He now seeks authority to transfer said permit to one John Antonelli.

Evidence at the hearing disclosed that while Roach had agreed to transfer said permit to Antonelli, the actual transfer was conditioned upon payment of the balance of purchase price, Roach retaining a two-thirds interest in the operation as security for the payment of said balance, permit in the meantime to be operated by Antonelli to whom all proceeds of the operation were to go.

The Commission has been informed by Mr. Roach's attorney that the purchase price has been paid in full and that there are no unpaid outstanding obligations against said operation.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application for transfer should be approved.

O R D E R

IT IS THEREFORE ORDERED, That Pat W. Roach should be, and he hereby is authorized to transfer his Private Permit No. A-968, subject to the conditions and restrictions imposed thereon by order of the Commission of date May 1, 1935, Decision No. 6445, to John Antonelli, said John Antonelli to assume and pay all outstanding obligations, if any there be, against said operation.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund J. O'Connell

W. H. Danks

Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

CONTROL *79*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
OTTO BAIRD, DOING BUSINESS AS) APPLICATION NO. 1695
BAIRD TRANSFER AND STORAGE)
COMPANY.)

Sept. 28, 1936.

S T A T E M E N T

By the Commission:

On January 28, 1936, (Decision No. 7105) on request of Otto Baird, P. U. C. No. 551 was revoked with the privilege of a reinstatement at any time within a period of six months. The record now discloses that on July 29, 1936, Otto Baird addressed a communication to the Commission, requesting an additional extension for a period of three months within which time he expects to be prepared to again resume operations.

After careful consideration of the record and the request, the Commission is of the opinion and finds that Certificate No. 551 should be suspended for an additional period of three months from and after the date hereof.

O R D E R

IT IS THEREFORE ORDERED, That Certificate No. 551 be, and the same is hereby, suspended for a period of three months from and after the date hereof, provided, however, that the applicant may at any time within this suspension period resume operations by filing the necessary insurance and complying with all the rules and regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. Jones
W. S. Danks
Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES C. HARDMAN, OF LAWSON, COLORADO,))
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3446-PP

Sept. 28, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to transport ore and concentrates from mines and mills within a radius of 15 miles of Lawson to Empire Junction, Lawson or Idaho Springs, and concentrates or high grade ore from said mines to Colorado Springs or Leadville.

Applicant stated that he would not haul ore and concentrates from mines in the Nederland or Tungsten-Ward areas.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience of applicant was established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That James C. Hardman should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of ore and concentrates from mines and mills within a radius of 15 miles of Lawson to Empire Junction, Lawson or Idaho Springs, and the transportation of concentrates or high grade ore from said mines to Colorado Springs or Leadville, without the right to transport ore and

concentrates from mines or mills in the Nederland or Tungsten-Ward areas.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dease

W. C. Banks

Malcolm Epiegan
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. M. RUGH, FORMERLY DOING)
BUSINESS AS A CO-PARTNER WITH)
W. A. WOODS UNDER THE FIRM NAME)
AND STYLE OF THE FT. COLLINS-)
LARAMIE-WALDEN STAGE LINE, AND)
L. C. LAIR, FOR AUTHORITY TO)
TRANSFER HIS ONE HALF INTEREST)
IN CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY NO. 398,)
TO L. C. LAIR.)

APPLICATION NO. 1364-AA

Sept. 28, 1936.

Appearances: L. C. Lair, Fort Collins, Colorado,
pro se and representing R. M. Rugh.

S T A T E M E N T

By the Commission:

The evidence disclosed that R. M. Rugh and W. A. Woods are now the owners of certificate of public convenience and necessity No. 398, heretofore issued in Application No. 1364. Authority is sought in the instant application by the said R. M. Rugh to transfer his undivided one-half interest in and to said certificate of public convenience and necessity to L. C. Lair. The present partners are operating under the firm name and style of the Fort Collins-Laramie-Walden Stage Line, and the same trade name would be retained by the new partnership.

The consideration to be paid for said undivided one-half interest is the sum of \$1,000.00.

The financial standing of transferee was established to the satisfaction of the Commission. It does not appear that any outstanding obligations against the present operation exist.

After a careful consideration of the record, the Commission is of the opinion and so finds that the authority sought herein should be granted.

O R D E R

IT IS THEREFORE ORDERED, That R. M. Rugh be, and he is hereby authorized to transfer to L. C. Lair his undivided one-half interest in and to

certificate of public convenience and necessity No. 398.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

McDanks

Mason E. Gibson
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM PETERSEN, OF PEETZ, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3452-PP

Sept. 28, 1936.

Appearances: William Petersen, Peetz, Colorado,
pro se;
R. M. Sandhouse, Esq., Sterling, Colorado,
for Chicago, Burlington & Quincy RR Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association and
Hawkins and Van Valkenburg;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by his testimony at the hearing, applicant seeks a Class "B" private permit authorizing the transportation of farm products, including livestock, from point to point within a "pick-up" area of twenty-five miles of Peetz, Colorado, and to and from said area to sales yards and markets at Sterling, Yuma and Holyoke, including the right to transport coal within the corporate limits of the town of Peetz.

The financial standing and operating reliability of applicant was established to the satisfaction of the Commission.

On behalf of protestants, the evidence disclosed that Hawkins and Van Valkenburg have heretofore been granted a common carrier certificate for the transportation of farm products, including livestock, in this same area. Said applicants testified that the granting of any additional permits for livestock within said area would impair the service they are now rendering the public. They had no objection to the transportation of farm products from fields to storage or shipping points within said area, nor did they have any objection to the proposed coal haul.

The record fails to disclose any inadequacy in the service rendered

by said common carriers, nor any demand upon the part of the shipping public for additional service in said Peetz area, so far as the transportation of livestock is concerned.

The Commission has been very liberal in the granting of permits for the transportation of farm products, including livestock, as we have no desire to interfere with the free flow of such products to market, even though in some instances the granting of additional permits would undoubtedly operate to some extent to the disadvantage of the common carrier serving the territory involved. However, we believe that with the large number of such permits heretofore granted by the Commission, practically every portion of the State is now fairly well served insofar as motor vehicle transportation is concerned, with a possible exception of seasonal movements of certain classes of farm products. We do not feel that we would be justified upon the present record in granting future permits in the Peetz area for the transportation of livestock.

After a careful consideration of the record, the Commission is of the opinion and so finds that the instant application should be granted only so far as the same affects the transportation of farm products, exclusive of livestock, from the fields and coal within the corporate limits of the town of Peetz.

O R D E R

IT IS THEREFORE ORDERED, That William Petersen of Peetz, Colorado, be, and he is hereby authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products only, exclusive of livestock, from farms within an area of twenty-five miles of Peetz, Colorado, to storage and shipping points within an area of fifty miles of Peetz, Colorado, including the right to transport coal within the corporate limits of said town of Peetz.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with

all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dineen

McDauks

Malcolm Erickson
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
DELBERT HAWKINS AND LEVI VAN VALKEN-
BURG, DOING BUSINESS AS HAWKINS AND
VAN VALKENBURG, FOR EXTENSION OF
CERTIFICATE OF CONVENIENCE AND
NECESSITY.

APPLICATION NO. 2693-B

September 28, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the applicants;
R. M. Sandhouse, Esq., Sterling, Colorado,
for the Burlington;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Assn;
Mr. J. R. Arnold, Denver, Colorado, for
The Northeastern Motor Freight.

S T A T E M E N T

By the Commission:

In the instant case, applicants are seeking to extend the authority heretofore granted them in Decision No. 7234, to include the right to transport building material and farm supplies to and from a twenty-five mile radius of Peetz, from and to all points in Colorado. However, applicants do not propose to transport commodities in competition with present scheduled common carrier operators. It is alleged that no such competition will exist for the reason that no scheduled motor truck common carrier is now serving Peetz and that all other points served will be to and from farms.

At the hearing applicant stipulated that he would except Sterling for any transportation service under his proposed extension, except for direct movements to and from Peetz. The former authority granted applicants authorized a service within a twenty-five mile radius of Peetz, with the privilege of transporting livestock to and from said area to points in northeastern Colorado, and including the right to haul farm products and supplies to and from Peetz and Sterling, Fort Morgan, Greeley and Denver.

One of the applicants testified as to the proposed need for their service upon the part of the shipping public. The gist of such testimony was to the effect that numerous calls had been made upon them by customers that they were already serving, to perform the additional service sought in the instant case.

On behalf of protestant, the Chicago, Burlington and Quincy Railroad Company, a schedule of its train service between Denver and Peetz and Peetz and Denver was submitted in evidence. This exhibit indicates that l.c.l. freight is handled on Mondays, Wednesdays and Fridays, leaving Sterling at 7:00 A.M., arriving at Peetz at 9:30 A.M. Car load service which is daily leaves Denver at 8:00 P.M., arriving at Peetz at 4:30 A.M. the following day. From Peetz to Denver, l.c.l. traffic is handled on Tuesdays, Thursdays and Saturdays, leaving Peetz at 12:00 Noon, arriving at Sterling about 5:00 P.M. Carload traffic is handled daily leaving Peetz at 12:01 P.M., arriving at Sterling at 1:00 P.M. and in Denver at 7:00 P.M.

The evidence before the Commission upon which to base a decision in the instant case is very meagre. We are not advised whether the above schedules in the service performed by the railroad efficiently meets the needs of the shipping public into or out of Peetz. The only testimony as to the public convenience and necessity to be served by the proposed operation of applicants is the evidence of one of the applicants himself. This evidence however, does present at least a prima-facie case of public convenience and necessity and we believe we are justified in taking judicial knowledge of the fact that motor vehicle transportation service has been granted to the public all over the State, even to points enjoying railroad service.

The financial standing and the operating reliability of the applicants has been established to the satisfaction of the Commission.

After careful consideration of the record the Commission is of the opinion and so finds that as limited by the evidence the instant application should be granted.


O R D E R

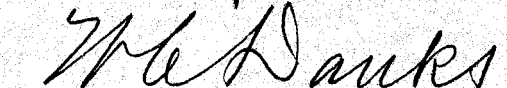
IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed additional service of Delbert Hawkins and Levi Van Valkenburg, operating under certificate of public convenience and necessity No. 870, heretofore issued in Application No. 2693, to include the transportation of building material and farm supplies to and from a twenty-five mile radius of Peetz, Colorado, from and to all points in the State of Colorado, provided however that no service shall be rendered at Sterling, Colorado, save and except upon movements directly from or to Peetz, and provided further that no service shall be rendered hereunder that will compete with present authorized scheduled motor truck common carrier operators) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity authorizing said proposed additional service under said certificate No. 870.

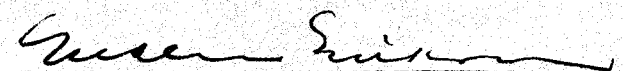
IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
S. W. TROGDON, DOING BUSINESS AS THE)
TROGDON TRUCK LINE TO OPERATE FREIGHT)
SERVICE FOR CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 2151

September 28, 1936.

Appearances: A. M. Pence, Esq., Laramie, Wyoming, for
the applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Consolidated Motor Freight,
R. L. Sanders Stage Line and
Winscom and Lyon;
Mr. J. F. Rowan, Denver, Colorado, for
the Motor Truck Common Carriers Associa-
tion and 42 individual members of that
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

From the record and the testimony given at the hearing it appears that W. S. Trogdon of Laramie, Wyoming is the holder of an interstate permit for the transportation of commodities between Denver and points in Wyoming, and conducts his operation under the name of the Trogdon Truck Line. This firm has been conducting a service between Denver and Laramie and from the applicants own testimony has been delivering freight from Denver to Ted's Place, Owl Canon, Edwards Store, Virginia Dale and State Line Station, all being points in Colorado on Highway No. 87, and that to accomplish this delivery on his interstate authority, the freight was transported from Denver to Laramie and then back to these several points in the State of Colorado.

The applicant stated that he now desires intrastate authority so that he can make deliveries from Denver, direct to the several points above-mentioned.

It appeared from the testimony that there was a small tonnage going to these five points, probably one thousand pounds daily, in the aggregate.

It appeared that there was one store at each of the above places and in addition filling stations at three of these points; however the oil company whose products are used at the filling stations have been making their own deliveries.

It further appeared that the Fort Collins-Laramie-Walden Stages, P.U.C. No. 398, conduct a daily operation, one trip each way, from Fort Collins to Walden via Laramie, and that they serve the public along Highway No. 87, transporting passengers, baggage, express and light freight.

It further appeared that this operation had been rendering service for approximately sixteen years, serving also La Porte, Boettcher and Cowdrey, in addition to the five points mentioned by the applicant. It would appear from the testimony of store-keepers residing at Edwards Store, Owl Canon and Ted's Place, that they had used the Fort Collins-Laramie-Walden Stages service very little but found the applicant to be a good customer and for that reason had been patronizing his transportation service. These patrons each mentioned the fact that they preferred direct service from Denver to their stores and that to patronize the Fort Collins-Laramie-Walden Stages it was necessary for freight to be transferred from the Consolidated Motor Freight, P.U.C. No. 51, at Fort Collins, to the Walden Stages, or to R. L. Sanders, Fort Collins.

It also appeared from the testimony that in addition to the Walden Stages and R. L. Sanders, there was contract services available out of Fort Collins to the points on U. S. Highway No. 87.

R. B. Davis of the Consolidated Motor Freight testified that he was very familiar with the transportation facilities out of Fort Collins to the points mentioned in the application and that the service was not only ample but more than the tonnage justified. It appeared from the testimony that not only the Walden Stages, but Sanders as well, had never declined to transport freight going to any of the points mentioned in the application and that to authorize the applicant to make deliveries of intrastate shipments to these

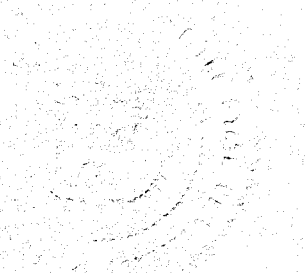
points would impair the efficient services now authorized for the several points named.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that there is adequate authorized transportation service available to each of the points sought to be served by the applicant in intrastate commerce, and that to grant additional authority would impair the efficient services of those carriers now serving these points, and that the application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 2151, made by S. W. Trogdon, doing business as Trogdon Truck Line, for authority to serve points on U. S. Highway No. 87, between Fort Collins and the Colorado-Wyoming state line, and to serve Cowdrey and Walden on Highway No. 125, be and the same is hereby denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward J. O'Connell
W. L. Danks
Walter E. Simon
Commissioners.

Dated at Denver, Colorado,
this 28th day of September, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
MILDRED R. JOY, DOING BUSINESS AS
JOY MOTOR COMPANY, AND HARP BROTHERS,
FOR AUTHORITY TO HARP BROTHERS TO
LEASE CERTIFICATE OF PUBLIC CONVENI-
ENCE AND NECESSITY.

APPLICATION NO. 2168-A
(Application to Lease)

October 5, 1936

Appearance: John R. Clark, Esq., Meeker, Colorado,
for applicants.

S T A T E M E N T

By the Commission:

Heretofore, by order of the Commission dated August 24, 1934, Decision No. 5867, a certificate of public convenience and necessity was granted to Henry C. Peterson to operate a motor vehicle freight line over State Highway No. 13 between Meeker and Rifle, Colorado, said certificate being numbered 718. Recently said certificate, with the consent and approval of the Commission, was transferred to Mildred R. Joy, doing business as Joy Motor Company.

The said Mildred R. Joy now seeks authority to transfer the equipment used under said P.U.C. No. 718, and to lease the operating rights granted by the Commission under the aforesaid decision, P.U.C. 718, to H. S. Harp and Thad S. Harp, doing business as Harp Brothers, subject to certain reservations and restrictions, all of which more particularly appears in the petition to consummate said transfer and lease filed with the Commission on September 8, 1936.

From said petition and copy of said lease and agreement thereto attached, and the records and files of the Commission, it appears that said Harp Brothers operate a motor vehicle common carrier for-hire truck service for the transportation of freight and express between Rifle and Meeker, and that they propose to consolidate and combine the Joy operation and their own operation between said points, and that they expect to be able to render better service

under the consolidated operation than that heretofore severally rendered by Joy Motor Company and said Harp.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be approved and authority granted said Mildred R. Joy, doing business as Joy Motor Company, to transfer said equipment and to lease said operating rights.

O R D E R

IT IS THEREFORE ORDERED, That the application of Mildred R. Joy, doing business as Joy Motor Company, and Harp Brothers, filed with the Commission on September 8, 1936, for authority to transfer the equipment used by said Mildred R. Joy in her motor vehicle truck line operation under Certificate No. 718, which was authorized in Decision No. 5867, and to authorize the leasing of operating rights granted in said decision to H. S. Harp and Thad S. Harp, doing business as Harp Brothers, as outlined and set forth in said application and lease and agreement thereto attached, should be, and the same hereby is approved.

IT IS FURTHER ORDERED, That the said H. S. Harp and Thad S. Harp, doing business as Harp Brothers, should be, and they hereby are authorized to consolidate said operation with their motor vehicle common carrier operation between Meeker and Rifle which was authorized in Decision No. 1216, and hereafter to conduct said operations as one operation.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Cullen

W. H. Danks

W. A. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF OVID M. LUDLOW FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3372-PP

October 5, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the applicant;
Mr. A. J. Fregean, Denver, Colorado, for
Motor Truck Common Carriers Association;
Mr. George Garrett, Longmont, Colorado, for
McKie Transfer Company.

S T A T E M E N T

By the Commission:

On July 22, 1936, Ovid M. Ludlow of Berthoud, Colorado filed his application for a permit to operate as a Class "B" private carrier by motor vehicle for hire in interstate as well as intrastate commerce for the transportation of "cement and plaster products to and from Loveland, Fort Collins and Wyoming state line at Virginia Dale. Farm products, elevator products, machinery, building material and equipment to and from a 30-mile radius of Berthoud, Colorado (no livestock)."

The evidence disclosed that on August 9, 1933, private carrier permit No. A-509 issued to Ovid M. Ludlow which authorized transportation of freight by motor vehicle for hire "between Wyoming state line through Fort Collins and Denver and intermediate points and such further routes as may be hereinafter in writing described to the Commission". Mr. Ludlow, as far as the records of the Commission disclose, did not apply for further authority or additional routes prior to the effective date of amendments to Private Carrier Act, approved April 3, 1935.

Although Mr. Ludlow has been operating rather extensively and widely throughout the State of Colorado, it is obvious that his authority has been limited to the transportation of freight over U. S. Highway No. 285 between the Colorado-Wyoming state line and Denver and intermediate points.

He owns four large trucks and a 1½-ton pick-up and has been trucking since 1917.

Generally his intrastate trucking operations besides those incidental to the operation of his own business and the transportation of his commodities, have consisted in the transportation of (a) plaster from Loveland, cement from Boettcher, coal from mines in the northern Colorado coal fields, farm produce (except livestock), elevator products, building materials and supplies, machinery and equipment from and to Denver and points within a radius of 30 miles of Berthoud, Colorado to and from points in the State of Colorado. His interstate trucking activities as disclosed by the evidence have been limited to the transportation of plaster and cement from the Colorado-Wyoming state line at Virginia Dale to points in the State of Colorado.

To meet objections of Weicker Transportation Company, he agreed to eliminate service between Denver and Eaton and intermediate points over U. S. Highway No. 85.

The McKie Transfer Company operates a motor vehicle common carrier freight trucking service between Denver, Loveland, Berthoud and Mead under authority of the Commission and also has been granted a certificate of public convenience and necessity to, and operates a call and demand transfer, moving and general cartage business in the Counties of Larimer, Boulder and Weld and occasionally throughout the State of Colorado with the limitations that under said authority it shall not carry parcels or packages commonly carried by carriers rendering an express service, and for the transportation of commodities other than household goods between points served singly or in combination by scheduled carriers it is required to charge rates which in all cases shall be as much as 20 per cent higher than those charged by scheduled carriers for the same service.

Although the proposed intrastate service will conflict with that authorized to be performed by said McKie Transfer Company in practically all its details, Mr. Garrett, representing the McKie Transfer Company, objected only to that part of the proposed service which contemplates the transportation of farm produce in and out of Berthoud. However, in considering this objection, we should bear in mind that applicant under his "A" permit already has been

authorized to serve generally all points between the Wyoming state line and Denver over U. S. Highway No. 285 (now U. S. Highway No. 87).

Mr. Ludlow stated that he knew of no common carriers rendering the service he proposed but knew of many who had refused, and, inasmuch as the proposed extension would give him no more authority than he now has between Denver and the Colorado-Wyoming state line over U. S. Highway No. 285, he believed that said proposed operation would not adversely affect the efficiency of service of the McKie Transfer Company. Protestants offered no evidence to the contrary.

There is now adequate transportation service to and from Denver from and to all points in the State of Colorado over all highways for the transportation of such commodities as ordinarily are handled by line haul common carriers and we do not believe that service of applicant from and to Denver to and from points in the state generally should be increased beyond the authority already granted him in private permit No. A-509. He now is authorized to serve all points between Fort Collins and Denver. While there may be ample common carrier service from mills within a radius of thirty miles of Berthoud, Loveland, Fort Collins and Denver, where mills of the Colorado Milling Company are located, to other points in the State of Colorado, it did not appear that the transportation by applicant of elevator products from said points to points in the State of Colorado now served singly or in combination common carrier motor vehicle lines will impair the service of said carriers. Also, in a sense, it is business not heretofore enjoyed by carriers operating out of said area, for it appears from the undisputed testimony of Mr. Ludlow that he has been hauling said commodities from elevators in the vicinity of Berthoud for many years.

In view of the authority already granted applicant under his private permit No. A-509 and the elimination of service between Denver and points on U. S. Highway No. 85 north thereof, it does not appear that the authority herein sought except as heretofore indicated will impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said Ovid M. Ludlow, subject to the limitations hereinafter expressed, should be authorized to operate as a Class "B" private carrier by motor vehicle for hire.

ORDER

IT IS THEREFORE ORDERED, That said Ovid M. Ludlow should be, and he hereby is, authorized to operate as a Class "B" intrastate private carrier by motor vehicle for hire, for the transportation of (a) plaster from Loveland, cement from Boettcher and coal from mines in the northern Colorado coal fields to all points in the State of Colorado, (b) farm products except livestock, used farm and oil well machinery and equipment and elevator products, between, from and to points within a radius of 30 miles of Berthoud, excluding, however, the right to serve under this permit between Denver and Eaton and intermediate points over U. S. Highway No. 85 and between the Colorado-Wyoming state line and Denver over U. S. Highway No. 285 (now U. S. Highway No. 287) and intermediate points he already having been authorized to serve said points on 285 under private permit No. A-509.

IT IS FURTHER ORDERED, That Ovid M. Ludlow should be, and he hereby is, authorized, subject to the provisions of the Federal Motor Carrier Act of 1935, to operate as a Class "B" private carrier by motor vehicle for hire in interstate commerce for the transportation of plaster and cement from a point on the Colorado-Wyoming state line where it is intersected by U. S. Highway No. 287 (formerly U. S. Highway No. 285) to all points in the State of Colorado, and the transportation of coal from mines in the northern Colorado coal fields to said point on the Colorado-Wyoming state line, said interstate permit to bear the same number as the intrastate permit heretofore granted, followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Wm. H. Hinson

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF BERTIE TOWERS, BURLINGTON,
COLORADO, FOR CERTIFICATE OF PUB-
LIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 3256

IN THE MATTER OF THE APPLICATION
OF PAUL G. ZIMMERMAN, BURLINGTON,
COLORADO, FOR CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 3257

IN THE MATTER OF THE APPLICATION
OF PAUL G. ZIMMERMAN TO TRANSFER
HIS PRIVATE PERMIT NO. A-801 TO
ROY W. SANDERS OF BURLINGTON,
COLORADO, SAID PERMIT COVERING
TRANSPORTATION OF FREIGHT BETWEEN
DENVER AND BURLINGTON, COLORADO
AND INTERMEDIATE POINTS VIA U.S.
40 N., and U.S. 40.

APPLICATION NO. 3511-PP-A

October 5, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado, for
applicants;
W. B. Hodges, Jr., Esq., Denver, Colorado, for
C. R. I. and P. Ry. Co;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Assn;
Geo. H. Swarer, Esq., Denver, Colorado.

S T A T E M E N T

By the Commission:

On June 18, 1936, in Decision No. 7708, the Commission granted a
certificate of public convenience and necessity in Application No. 3256, and
in Application No. 3257.

On June 27, 1936, an application for re-hearing was filed with the
Commission and thereafter and on September 4, 1936, a re-hearing was granted
for September 10, 1936 at 1:00 o'clock P. M. On September 5, 1936, Paul G.
Zimmerman and Roy W. Sanders joined in Application No. 3511-PP-A, seeking a
transfer of Permit No. 801 from Zimmerman to Sanders.

Inasmuch as the last numbered application is dependent upon the Decision in 3257, all three of the applications were consolidated for the purpose of this re-hearing, and at the conclusion of the testimony pertaining to Application No. 3256 and No. 3257, the Commission proceeded to take the testimony in Application No. 3511-PP-A, with the understanding that the ruling would be dependent upon the cancellation or reinstatement of Permit No. 801, involved in Application No. 3257.

At the re-hearing it was disclosed that an agreement was entered into between Frank Miller and Bertie Towers, to the effect that Permit No. B-1097 should be cancelled insofar as it pertained to Kit Carson County and that part of Yuma County, included in a certificate to Towers, should the same be granted.

It further appeared that in writing Decision No. 7708, Permit No. B-1097 was inadvertently cancelled in its entirety wherein it should have been cancelled only as to that part applying to Kit Carson and the southern part of Yuma Counties.

It further appeared at the hearing that an agreement was reached between Paul G. Zimmerman and Frank Miller at the time of the original hearing of Application No. 3257, whereby Zimmerman agreed to the cancellation of his Permit No. A-801, upon Miller consenting to have petroleum products and mill products from Denver to Burlington included in a certificate, should one be given to Zimmerman without objection on his part, notwithstanding, in his judgment, the granting of such authority would impair the efficiency of Miller's line haul common carrier service. Zimmerman, apparently has decided that he made a "bad deal", and wants to "back-up" or rescind.

After careful consideration of the record and the testimony given at the re-hearing the Commission is of the opinion and finds that Decision No. 8389 should be amended to show the cancellation of Permit No. B-1097, only insofar as it pertained to Kit Carson County and the southern part of Yuma County, as agreed.

The Commission further finds that an understanding was reached between Paul G. Zimmerman and Frank Miller at the time of the original hearing, and that the stipulation agreed to was followed insofar as application No. 3257

is concerned, that said agreement was fairly made with full understanding of the situation, and that the cancellation of Permit No. A-801 should stand, as agreed.

While it appeared from the testimony, and the Commission so finds, that Roy W. Sanders, the proposed transferee, on account of lack of finances to properly handle the operation, is not a qualified transferee. The Commission further finds that inasmuch as Permit No. A-801 was regularly cancelled in Decision No. 8389, and the Commission having determined that to set aside that part of its order canceling said permit, Zimmerman has no permit to transfer.

O R D E R

IT IS THEREFORE ORDERED, That in Decision No. 7708 the last paragraph on page 4 of said decision should be amended to read as follows:

"IT IS FURTHER ORDERED, That Permit No. B-1097 heretofore issued to Bertie Towers in Application No. 2594-PP be and the same is hereby cancelled insofar as the same applies to Kit Carson County and that portion of Yuma County lying south of T 2 S, Ranges 43 to 46 inclusive, and that private Permit No. A-801 heretofore issued to Paul G. Zimmerman be and the same is hereby cancelled."

IT IS FURTHER ORDERED, That in all respects except as changed by the above paragraph, said Decision No. 7708 shall remain in full force and effect.

IT IS FURTHER ORDERED, That Application No. 3511-PP-A, seeking the transfer of Permit No. A-801 be and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

W. C. Danks

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
FRED G. WICK, DENVER, COLORADO, FOR
A CLASS "B" PERMIT TO OPERATE AS
PRIVATE CARRIER BY MOTOR VEHICLE
FOR THE TRANSPORTATION OF LUMBER
AND COAL FROM WEST PORTAL TO GOLDEN,
COLORADO; ALSO FROM NORTHERN COAL
FIELDS TO DENVER, COLORADO.

B-1719
APPLICATION NO. 3473-PP

October 5, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

Fred G. Wick of 6610 West 26th Avenue, Denver, Colorado, seeks a
Class B permit for the transportation of lumber and coal from West Portal to
Golden, Colorado; also from northern Colorado coal fields to Denver.

This application was called for hearing pursuant to due notice but
the applicant failed to appear.

Attorneys representing the protestants objected to the lumber haul
from West Portal but had no objections to the movement of coal from northern
Colorado coal fields.

After careful consideration of the record and the statement of pro-
testants, the Commission is of the opinion and finds that the applicant should
be authorized to transport coal as sought in his application.

O R D E R

IT IS THEREFORE ORDERED, That Fred G. Wick of Denver, Colorado be and
he hereby is granted a Class B permit to operate as a private carrier by motor
vehicle for hire for the transportation of coal from northern Colorado coal
fields to customers in Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward H. Danks

W. L. Danks

Wm. H. Danks

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
JAKE W. BAUMGARTNER, DENVER, COLO-
RADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE, FOR HIRE.

APPLICATION NO. 3472-PP

October 5, 1936

Appearances: Mr. Jake W. Baumgartner, 301 South Wolff,
(Route 4), Denver, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado, for
Colorado Transfer and Warehousemen's
Association and Sackowitz and Germaine.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to transport stone and monuments only, within a radius of fifty miles of Denver. The applicant stated that he had equipment suitable for the purpose and had been serving J. Rizzi, Erickson Memorials, Dominick Deerio and John Milne, most of his hauling being within the City and County of Denver, or to Riverside and Fairmount Cemeteries; that he was occasionally called upon to go to Crown Hill and Mount Olivet; also that he did some moving of rough stone and granite before the same had been prepared for setting; that he also set finished monuments for these customers and while his trips outside of Denver were only occasional he wanted to be wholly within the law and desired this authority.

Protestants offered no objections to the issuance of a permit limited to stone and monuments.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Jake W. Baumgartner, 301 South Wolff, Denver, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of stone in the rough and monuments from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when but not before applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

W. L. Danks

Wm. S. Simon
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

8462

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF }
GEORGE C. PEDERSON, BOULDER, COLORADO, }
FOR AN EXTENSION OF HIS CLASS "A" }
PERMIT, TO INCLUDE THE TRANSPORTATION }
OF FARM PRODUCTS (INCLUDING LIVESTOCK) }
WITHIN A RADIUS OF FIFTY MILES OF }
BOULDER, COLORADO. }

APPLICATION NO. 2198-PP-B

October 5, 1936

Appearances: George C. Pederson, Boulder, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Assn. and others;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Assn;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Winston S. Howard, Esq., Denver, Colorado,
for Common Carriers Livestock Assn.,
M. A. Harsch, Geo. W. Stockton and
F. G. McKee.

S T A T E M E N T

By the Commission:

On October 15, 1934, the applicant herein was granted Permit No. A-873 with authority to transport freight between the Black Diamond coal mine and Boulder, Colorado and between Denver and Boulder, Colorado and intermediate points. From the testimony it appears the applicant now seeks authority to transport farm products from farm to farm and from farms to towns within a radius of fifteen miles of Boulder, Colorado, and to transport livestock from point to point within this radius and between points within said radius and points outside thereof within a radius of fifty miles, all of which transportation service he proposes to render for customers residing within a fifteen-mile radius of Boulder, Colorado.

After the size of the area to be served by the applicant was reduced there appeared to be little objection to the authorization of a strictly farm service provided it was limited to the customers listed and that this list should not be added to without permission from the Commission.

Under authority A-873 the applicant conducted a service under an A permit but now seeks to render an irregular service away from any fixed terminus and felt that he should have his permit changed from an A to a B.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that the extension sought should be granted and that on account of the changed character of the applicant's services to be rendered his permit should be changed to a B.

O R D E R

IT IS THEREFORE ORDERED, That George C. Pedersen of Boulder, Colorado, be and he hereby is granted an extension to his authority A-873 to include the transportation of farm products from farm to farm and farms to towns within a radius of fifteen miles of Boulder, Colorado and for the transportation of livestock from point to point within said area and between points therein and points within a radius of fifty miles of Boulder, Colorado, for customers residing within the fifteen mile radius abovementioned, which list is not to be changed or added to without consent from the Commission, this authority together with the previous operation of the applicant hereafter to be designated as Permit No. B-873 instead of A-873.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

W. C. Danks

Max E. Eason

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LEO BERTHOD FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3482-PP

October 5, 1936.

Appearances: Leo Berthod, Carbondale, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
Ben Hinkle, C. W. Dodge and John Lamprecht.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products, including live stock, from point to point within the area extending west of Basalt to a point five miles east of Carbondale, to Woody Creek on the east, and 10 miles north and south of Basalt, and the transportation of farm products, including live stock, from farms in said area for customers residing therein to Glenwood Springs and Aspen, and the occasional transportation of oats in bulk from farms in said area to Grand Junction.

There was no objection on the part of interested carriers to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Leo Berthod should be, and he hereby is authorized to operate as a Class "B" private carrier by motor

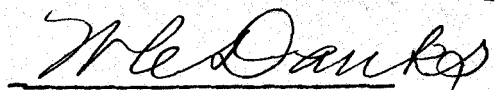
vehicle for hire for the transportation of farm products, including live stock, from point to point within the area extending west of Basalt to a point five miles east of Carbondale, Woody Creek on the east, and ten miles north and south of Basalt, and the transportation of farm products, including live stock, from farms in said area for customers residing therein to Glenwood Springs and Aspen, and the occasional transportation of oats in bulk from farms in said area to Grand Junction, provided, however, that applicant shall not engage in a town-to-town service.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1 36.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF R. B. HEUETT, OF PIERCE, COLO-)
RADO, FOR A PERMIT TO OPERATE AS)
A CLASS "B" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3363-PP

October 5, 1936.

Appearances: R. B. Heuett, Pierce, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company and
Union Delivery Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to transport farm products from farms within a radius of 15 miles of Pierce to Pierce and other market points, and coal from mines in the northern Colorado coal fields to points in said area.

The evidence disclosed that there are no common carrier operators furnishing a service similar to that sought to be rendered by applicant in the territory he wants to serve. Chiefly, he will transport wheat and other small grains, potatoes and beets from farms to loading points and elevators at Pierce and occasionally to other markets in northern Colorado. He does not contemplate rendering a town-to-town service.

There was no objection to the issuance of the permit as limited.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That R. B. Heuett should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of 15 miles of Pierce to Pierce and other markets in northern Colorado,

and the transportation of coal from mines in the northern Colorado coal fields to points in said area, without the right to render a town-to-town service.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane

W. C. Danks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF ROY KOHL OF BRECKENRIDGE, COLO-)
RADO, FOR A PERMIT TO OPERATE AS)
A CLASS "B" PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3478-PP.

October 5, 1936

Appearances: Roy Kohl, Breckenridge, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" private permit which, as limited by the testimony offered at the hearing, would authorize him to transport ore from mines within a radius of five miles of Breckenridge, Colorado, to Leadville and Colorado Springs, coal from Oak Creek to points in said five-mile radius, and cattle from farms on the Blue River within a radius of ten miles of Dillon, to Denver, without back haul of freight from Denver, Leadville or Colorado Springs, or town to town service.

Protestants withdrew objections to the issuance of permit as limited.

The operating experience and pecuniary responsibility of applicant were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Roy Kohl, of Breckenridge, Colorado, should be, and he hereby is authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of (a) ore from mines within a radius of five miles of Breckenridge to Leadville and Colorado Springs; (b) coal from Oak Creek to points in said five-mile radius; (c) cattle from farms on the Blue River within a radius of ten miles of Dillon to Denver, without the privilege to back-haul freight from Denver. Leadville or Colorado Springs

or to render a town to town service.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell

W. C. Danks

Wm. Smith

Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

CONTROL *X*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF F. W. HOPPE FOR A PERMIT TO) APPLICATION NO. 3464-PP.
OPERATE AS A CLASS "A" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 5, 1936

Appearances: Gordon Allott, Esq., Lamar, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "A" permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a Class A private carrier by motor vehicle for hire, for the transportation of general freight from Lamar to Caddoa, and the transportation of express and parcel freight in shipments of not to exceed fifty pounds each from Lamar to McClave, Hasty and Wiley over U. S. Highway No. 50 and State Highway 169 and county roads.

The evidence disclosed that Mr. Hoppe operates a mail truck between said points daily except Sunday, leaving Lamar at 8:00 o'clock A.M.; that there is some demand for the transportation of bakery goods, auto parts, drugs and emergency supplies from Lamar to Wiley, Nucla and Hasty, although said points are served by Weicker Transportation Company, and that there is no transportation service by motor vehicle from Lamar to Caddoa.

Protestants withdrew objections to the issuance of permit as limited.

The financial responsibility and operating experience of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue as requested.

O R D E R

IT IS THEREFORE ORDERED, That F. W. Hoppe should be, and he hereby is authorized to operate as a Class "A" private carrier by motor vehicle for

hire for the transportation of general freight from Lamar to Caddoa, and the transportation of express and parcel freight in shipments of not to exceed fifty pounds each, from Lamar to McClave, Hasty and Wiley, via U. S. Highway 50, State Highway 169 and county roads.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank J. Danks

W. E. Danks

Dated at Denver, Colorado,
this 5th day of October, 1936.

Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

THE NORTHERN COLORADO COAL)
PRODUCERS' ASSOCIATION, A)
Corporation,)
Complainant,)
v.)
THE DENVER AND SALT LAKE)
RAILWAY COMPANY, A Corporation,)
Defendant.)

CASE NO. 1834

September 29, 1936.

Appearances: Albert Vogl, Esq., Denver, Colorado,
for complainant;
Elmer Brock, Esq., Denver, Colorado,
for The Denver and Salt Lake Railway
Company, defendant;
J. A. Gallaher, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
J. Q. Dier, Esq., Denver, Colorado,
for The Colorado and Southern Railway
Company;
D. C. Stone and H. C. Marchant, Denver,
for Routt County Coal Operators
Association, Interveners;
F. O. Sandstrom, Denver, Colorado,
Secretary, Colorado New Mexico Coal
Operators Association.

S T A T E M E N T

By the Commission:

The Denver and Salt Lake Railway Company, a corporation, filed with the Commission Amendment No. 32 to its Colorado Tariff, P.U.C. No. 237, to become effective October 1, 1936, being a rate on slack coal from mines in Routt County to Denver, Colorado, of \$1.75 per ton of 2000 pounds in car-load lots. This amendment constitutes a reduction of 25 cents per ton upon the rate heretofore applying upon such traffic. Thereafter, on September 16, 1936, complainant, The Northern Coal Producers Association, a corporation, filed its complaint against said amendment, requesting that said rate be not

allowed to become effective until after hearing and investigation by the Commission. Said matter thereupon was duly set for hearing and heard by the Commission in its Hearing Room in Denver, Colorado, on September 28, 1936,

In said complaint, it is alleged, inter alia, that the publication of said tariff would upset the relationship of rates for the transportation of coal from all coal producing districts of Colorado shipping into Denver, and would result in financial loss to the defendant for the reason that said rate is unreasonably low and less than the actual cost to the defendant of performing the service involved.

On behalf of complainant, the evidence disclosed that The Northern Colorado Coal Producers' Association represents operators producing 95 per cent of the coal mined in the northern Colorado area. The average distance from said area to Denver is approximately 25 miles. The class of coal produced is lignite or sub-bituminous and is high in moisture content and carries from 8000 to 10,000 Btu heat units. From 55 to 60 per cent of the coal produced in said area constitutes slack. Practically the entire production of coal in the northern Colorado area is consumed in northern Colorado and Denver. The total production in Boulder, Weld and Jefferson counties for the years 1931 to 1935, inclusive, is as follows:

<u>Year</u>	<u>Tons</u>
1931	2,325,820
1932	2,173,944
1933	2,080,412
1934	1,973,592
1935	2,040,864

The rate on slack coal from the Walsenburg area to Denver, a distance of approximately 185 miles, is \$1.75 (although a reduction to \$1.65 is now proposed from said district, effective October 1, 1936). The slack rate from northern Colorado to Denver is now 60 cents per ton, and from the Crested Butte district, a distance of approximately 316 miles, the rate is \$2.25 per ton. In 1933, Routt County produced 164,461 tons of pea and slack coal; 187,252 tons in 1934, and 314,032 tons in 1935.

In the opinion of the witnesses for complainants, the granting of the reduction sought would injuriously affect the coal producers in the

northern Colorado area, as in their opinion a differential of \$1.15 per ton is not sufficient to enable them to compete with the Routt County coal on the Denver market. Said Routt County coal is of a bituminous character and carries from 12,000 to 14,000 Btu heat units and has a low moisture content. The percentage of slack in Routt County coal is practically 33-1/3 per cent of the total production.

Complainant has shown that for the year 1935 the average cost of handling all revenue freight, including terminal and joint facilities cost, was 9.8 mills per ton per mile; that the earnings under the proposed rate of \$1.75 would amount to approximately 9.4 mills per ton per mile, and that out of such rate, defendant agrees to absorb 36 cents per ton switching at the Denver terminal, thereby performing a service at less than the actual cost of same.

The annual report, from which complainant obtained the figures above referred to, also discloses that the average distance hauled on all revenue freight for the year 1935 by defendant was 165.51 miles. The average distance, according to the evidence, from the Routt County fields to Denver is approximately 186 miles. Naturally, as the distance increases, the ton-mile or car-mile earnings must decrease. Hence, in the opinion of the Commission, this showing^{alone} is not sufficient upon which to base a finding that the proposed rate of \$1.75 per ton is non-compensatory, including the absorption of any so-called switching charges, which it was disclosed is customary among all carriers serving the Denver area.

On behalf of defendant, evidence was introduced to the effect that the production of lump coal in Routt County area was threatened with curtailment, due to the fact that they were unable to market the slack, much of which has been stored on the ground by the mine operators, although defendant, in order to alleviate the situation, has purchased large quantities of said slack in excess of its requirements. It was also testified that the rate of \$1.75 per ton was in fact a compensatory rate, and that by providing an outlet for the movement of said slack, the revenues of defendant company

would also be increased through the increased movement of prepared sizes of Routt County coal.

It was further disclosed that under the tariffs filed by the various carriers, slack coal from the northern district is defined as coal that has passed through a $2\frac{1}{2}$ -inch mesh screen, while in Routt County slack coal is that coal which has passed through a $1\frac{1}{4}$ -inch mesh screen.

A careful consideration of the record leads us to the conclusion that the sole question to be determined in the instant case is whether or not the proposed rate of \$1.75 per ton for the transportation of slack from the Routt County area to Denver is a reasonable and compensatory rate. Under the authorities, we believe it is fundamental that there is a zone of reasonableness between rates that are excessively high and rates that are less than compensatory, within which zone the carrier is ordinarily free to adjust its charges for itself. This doctrine is laid down in the case of United States v. Chicago, Milwaukee, St. Paul & Pacific R. R., 294 U. S. 499, wherein the Court stated in affirming a decree of the lower court, reported in 8 Fed. Supp. 970:

"A rate schedule initiated by a carrier must be upheld as lawful unless adequate reasons are presented for setting it aside, and a Commission may not prevent the carrier from reducing its rates to meet competition merely upon the grounds that the reduction would disturb the prevailing rate structure, groupings and differentials, and possibly lead to a 'rate war' between carriers."

The lower court, 8 Fed. Supp. 570, whose decree was sustained by the Supreme Court, supra, in discussing said case, promulgates the following doctrine, which we believe is applicable in the instant case:

"1. Carriers have the right to initiate rates.

"2. There is no presumption that a rate initiated by a carrier is unreasonably low, but the burden is on the party so asserting to establish such fact, and the rate must stand in the absence of such evidence.

"3. A railroad company may adopt such reasonable freight rates as will enable it to obtain or retain desired traffic for its own lines.

"4. The statute requiring reasonable charges for transportation of passengers or property held not to justify the Commission in setting aside a railroad company's proposed tariff on bituminous coal as unreasonably low, in the absence of evidence that they are non-compensatory or below a reasonable minimum, though they will enable mines on such company's lines to undersell other mines.

"§. The statute requiring the Commission to consider the effect of railroad rates on the movement of traffic in exercise of the power to prescribe reasonable rates held not to authorize the Commission to cancel a railroad company's proposed rates on bituminous coal in order to prevent a rate war and disruption of the rate structure because a few mines in the districts served must depend on the lines of other railroads carrying coal by longer routes through connecting carriers to the same destinations at higher rates."

See also Colorado P. U. C. Investigation and Suspension Docket No. 208,
Decision No. 6653.

Other authorities to the same point could be quoted, but we believe the above is sufficient to point out what we conceive to be the law in cases of this kind. Upon the record as made, and after a careful consideration of the evidence, the Commission is of the opinion, and so finds, that the proposed rate should become effective as published, and that this proceeding be discontinued.

O R D E R

IT IS THEREFORE ORDERED, That the complaint filed in the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. C. Jones

W. H. Danks

W. H. Danks
Commissioners.

Dated at Denver, Colorado,
this 29th day of September, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOHN S. HIXSON FOR A CERTIFICATE OF) APPLICATION NO. 3465
PUBLIC CONVENIENCE AND NECESSITY.)

October 5, 1936.

Appearances: Gordon Allott, Esq., Lamar, Colorado,
for applicant;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
Oberwortman & Roe and Schultz Brothers;
A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Association
and Springfield-Lamar Truck Line.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity to operate a call and demand motor vehicle freight service for the transportation of livestock, used household furniture, used machinery, grains, hay and broom corn, out of, into and between points within an area described as follows:

"From Holly, Colorado, east to the State line; west 50 miles; north 50 miles and south to the state line, with occasional trips to La Junta, Pueblo and Denver."

The evidence disclosed that Mr. Hixson has been in business for a number of years; he has a GMC truck equipped with "20-feet semi-trailer" of the value of \$1,000, which he expects to use in his operation, and owns other property of the value of \$3,500; that he lives at Holly, which is the center of a large farming and cattle raising territory; that the authorized common carrier, Schultz Brothers, operating in said vicinity is not opposed to the granting of said application, and the carriers appearing at the hearing indicated that they had no objection to the issuance of a certificate limited to the transportation of

such commodities as are not ordinarily handled by line haul carriers in the territory hereinafter indicated.

It appears that the chief demand for the service of applicant is for the transportation of livestock, hay and grain, with an occasional demand for the transportation of cane and other farm products and used farm machinery and equipment including household goods; that most of his customers reside within thirty miles of Holly; that there is some demand for the transportation of livestock from Eads to Holly or Lamar, particularly the sales pavilion of Mr. Gettle at Lamar; also at times he has been requested by truckers "held up" at the port of entry near Holly to move the commodities on their trucks to destination.

Since the hearing, Oberwortman and Roe, by letter, have indicated that they have no objection to the transportation of livestock by applicant from and to sales pavilion at Lamar.

After a careful consideration of the record, the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle common carrier call and demand freight service of applicant, and that certificate of public convenience and necessity as hereinafter limited should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed common carrier motor vehicle call and demand freight service of applicant for the (transportation of livestock, grain, hay, cane and other farm products, and used farm machinery and equipment including household goods, from point to point within the area bounded by the north line of Baca County on the south, the north line of Prowers County on the north, the Colorado-Kansas state line on the east, and a line running north and south through Morse, Colorado, on the west, and from and to points in said area to and from points in the state of Colorado,

and the transportation of livestock from and to the sales pavilion in Lamar to and from points in the State of Colorado, except Springfield, Colorado; provided that said applicant under said authority shall not engage in the transportation of such commodities as ordinarily are handled by line haul carriers between points served by authorized motor vehicle common carriers, and shall not engage in the transportation of any commodities except hay and grain over the route served by the Springfield-Lamar Truck Line.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of the Commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. V. Turner

W. C. Sanks

William E. Egan

Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

B-
CONTROL 80
B-1668
(Decision No. 8473)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES L. LARSON FOR A PERMIT TO) APPLICATION NO. 3477-PP.
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 5, 1936.

Appearances: James L. Larson, Evans, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class "B" permit which, as limited by the testimony offered at the hearing, would authorize him to operate in intrastate commerce for the transportation of farm products, except livestock, from farms within a radius of 20 miles of Greeley, Colorado, to warehouses and loading points in said area, and the transportation of feed, salt and feed lot supplies from towns in said area to farms in said area (without the right to transport commodities from town to town), and the transportation, in interstate commerce, of general freight from Denver and points intermediate between Denver and Peetz and Denver and Julesburg by way of Greeley, over U.S. 85, U.S. 6, U.S. 138 and/or Colorado 113, to the Colorado-Nebraska state line, with back haul of farm products only from said Colorado-Nebraska state line to points in Colorado.

There was no objection to the issuance of the permit as limited.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and finds, that said permit should issue as requested.

O R D E R



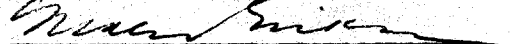
IT IS THEREFORE ORDERED, That James L. Larson of Evans, Colorado, should be, and he hereby is, authorized to operate as a Class "B" private carrier by motor vehicle for hire for the transportation in intrastate commerce of (a) farm products, except live stock, from farms within a radius of 20 miles of Greeley to warehouses and loading points in said area, and (b) feed, salt and feed lot supplies from towns in said area to farms in said area, provided that applicant shall not engage in the transportation of commodities town to town; and the transportation, in interstate commerce, subject to the provisions of the Federal Motor Carrier Act of 1935, of general freight from Denver and points intermediate between Denver and Peetz and Denver and Julesburg, via Greeley, to the Colorado-Nebraska State line over U. S. Highways Nos. 85, 6 and 138 and/or Colorado Highway 113, with back haul of farm products only from the Colorado-Nebraska state line to points in Colorado, said interstate permit to bear the same number as intrastate permit herein authorized, followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, the permit herein granted to become effective only if and when, but not before, applicant has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Dated at Denver, Colorado,
this 5th day of October, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. J. STROH FOR AN EXTENSION) APPLICATION NO. 1608-B,
OF CERTIFICATE OF PUBLIC CONVEN-) As Amended.
IENCE AND NECESSITY.)

October 5, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado,
for Motor Truck Common Carriers Associa-
tion.

S T A T E M E N T

By the Commission:

In Application No. 1608 (Decision No. 3130), dated October 30, 1930, J. J. Stroh, M. A. Harsch and R. M. Slapper were severally granted certificates of public convenience and necessity to operate a call and demand motor vehicle truck service for the transportation of live stock from point to point within an area extending 18 miles north, 20 miles east, 20 miles south and 10 miles west of Greeley, and between points within said territory and other points in the State of Colorado.

Applicant herein seeks an extension of his said authority and a certificate of public convenience and necessity authorizing the transportation, in irregular service, of live stock into, out of and between points within a twenty-five mile radius of Greeley, Colorado.

The evidence disclosed that Mr. Stroh has a 1933 Ford V-8 1½-ton truck, a 1935 Ford V-8 1½-ton truck and a 1934 Ford V-8 1½-ton truck, the first two being equipped with "18-foot" semi-trailers, and the last mentioned being equipped with a "12-foot rack;" that said trucks are worth approximately \$3300 and are used by him in his livestock hauling operations; that he has other property of the value of \$30,000 and owes about \$2500; that there is considerable

demand for his services in the territory where extension is sought.

No one appeared in opposition to the granting of said application.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity require the proposed extended motor vehicle operations of the applicant for the transportation of livestock, on call and demand, from, to and between points within a radius of 25 miles of Greeley, Colorado, and that a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed (extended operation of the applicant as a common carrier by motor vehicle (for the transportation of livestock, on call and demand, from, to and between points within a radius of 25 miles of Greeley, Colorado,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the rules and regulations of the commission governing motor vehicle carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule file with this commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the rules and regulations now in force or to be hereafter adopted

by the Commission with respect to motor vehicle carriers and also
subject to any future legislative action that may be taken with re-
spect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank J. O'Daniel

W. H. Danks

Walter E. Wilson

Commissioners

Dated at Denver, Colorado
this 5th day of October, 1936.

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~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF N. D. GOOD AND R. C. TAYLOR,)
DOING BUSINESS AS GOOD AND TAYLOR,)
AND R. C. TAYLOR, FOR AUTHORITY)
TO TRANSFER INTERSTATE PERMIT)
NO. 768-I.)

APERMIT NO. 768-I

October 5, 1936.

S T A T E M E N T

By the Commission:

On July 29, 1936, N. D. Good and R. C. Taylor, who operate a common carrier motor vehicle interstate truck line under the name and style of Good and Taylor, Interstate Permit No. 768-I, filed their application seeking authority to transfer said permit to R. C. Taylor, doing business as Taylor Truck Line.

After careful consideration of the record, the Commission is of the opinion and finds that said authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That N. D. Good and R. C. Taylor, doing business as Good and Taylor, should be, and they hereby are authorized to transfer Interstate Permit No. 768-I to R. C. Taylor, doing business as Taylor Truck Line, said R. C. Taylor to assume and pay all outstanding obligations, if any there be, incurred by N. D. Good and R. C. Taylor, doing business as Good and Taylor, in the conduct of said operation.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the authority to transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Walter E. Quinn
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
WILLIAM WAGNER OF GRAND JUNCTION,)
COLORADO, FOR A CLASS B PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3484-PP

October 5, 1936

Appearances: William Wagner, Grand Junction, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc., and
Colman Freight Service;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Uintah Stage Lines.

S T A T E M E N T

By the Commission:

William Wagner, who resides ten miles northwest of Grand Junction, herein seeks a Class B permit which, as limited by the testimony offered at the hearing, will authorize him to transport farm products from farms within a radius of ten miles of his home to shipping points, canneries, elevators and warehouses in said area and to Palisade, Fruita and Grand Junction, without any town to town service.

There was no objection to the issuance of permit as limited.

The financial responsibility and operating experience of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That William Wagner, of Grand Junction, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of ten miles of his home to shipping

points, canneries, elevators and warehouses in said area and to Palisade, Fruita and Grand Junction, without any town to town service.

IT IS THEREFORE ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

W. C. Danks

Wm. E. Eason
Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
W. C. BOUGHTON, OF FRUITA, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3502-PP

October 5, 1936.

Appearances: W. C. Boughton, Fruita, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.,
and Colman Freight Service;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Uintah Stage Lines.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire, for the transportation of farm products from farms within a radius of 10 miles of Fruita to shipping points, canning factories, dumps, elevators and warehouses within said area and to Fruita or Grand Junction; coal from the Farmers Coal Mine to Fruita, Grand Junction and farms within the aforementioned ten-mile area.

There was no objection to the issuance of the permit as limited.

The financial responsibility and operating experience of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That W. C. Boughton, of Fruita, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for the transportation of farm products from farms within a radius of ten miles of Fruita to shipping points, canning factories, dumps, elevators and warehouses within said area and to Fruita or Grand Junction, and

coal from the Farmers Coal Mine to Fruita, Grand Junction and farms within the aforementioned area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deery

W. C. Danks

Wm. Emerson
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF RICHARD LUEBBERT AND KIRK)
GOLDSWORTHY, OF GRAND JUNCTION,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3499-PP.

October 5, 1936.

Appearances: Richard Luebbert, Grand Junction, Colorado,
for applicants;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Uintah State Lines;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc., and Colman
Freight Service.

S T A T E M E N T

By the Commission:

Applicants herein seek a Class B permit to operate as private carriers by motor vehicle for hire, for the transportation of farm produce from farms within a radius of 25 miles of Grand Junction to railroad shipping points, canning plants, warehouses and elevators in said area.

There were no objections to the issuance of permit as limited.

The operating experience and financial responsibility of applicants were established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Richard Luebbert and Kirk Goldsworthy, of Grand Junction, Colorado, should be, and they hereby are authorized to operate as class B private carriers by motor vehicle for hire, for the transportation of farm produce from farms within a radius of 25 miles of Grand Junction to railroad shipping points, canning plants, warehouses and elevators in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a

statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

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Dated at Denver, Colorado,
this 5th day of October, 1936.

Malcolm S. Quinn
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF C. O. WATERMAN FOR AUTHORITY
TO TRANSFER PRIVATE PERMIT NO. A-452
TO RICHARD LUEBBERT AND KIRK GOLDS-
WORTHY.

APPLICATION NO. 2416-PP-A

October 5, 1936

Appearances: Richard Luebbert, Grand Junction, Colorado,
for Luebbert and Goldsworthy;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc., and
Colman Freight Service.

S T A T E M E N T

By the Commission:

Heretofore private permit No. A-452 issued to C. O. Waterman. He now seeks authority to transfer said permit to Kirk Goldsworthy and Richard Luebbert, doing business as Goldsworthy and Luebbert.

The evidence disclosed that Mr. Waterman has been operating once a week between Grand Junction and Ridgway, Colona, Placerville, Fall Creek, Telluride and Ophir, with occasional trips from and to Rico when full loads are available; that he is not indebted to anyone on account of his operation; that as consideration for the transfer of said permit and a Dodge truck, he is to receive the sum of \$1,000 from transferees; that Mr. Goldsworthy has another permit between Pueblo and Grand Junction and has two trucks which he uses in said operation; that the operation under said last mentioned permit and the operation under Permit A-452 are to be separately conducted.

There was no objection from protestants to said transfer.

After a careful consideration of the record, the Commission is of the opinion, and finds that said authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That C. O. Waterman, of Telluride, Colorado, should be, and he hereby is authorized to transfer his private permit

No. A-452 to Kirk Goldsworthy and Richard Luebbert, co-partners, doing business as Goldsworthy and Luebbert.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferees have filed a list of their customers and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer

W. C. Banks

Walter E. Egan

Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF VERN KUTZ AND WAYNE KUTZ, DOING)
BUSINESS AS KUTZ BROTHERS, FOR)
AUTHORITY TO TRANSFER PERMIT NO.)
A-928 TO WAYNE KUTZ, DOING BUSINESS)
AS WAYNE KUTZ TRUCK LINE.)

APPLICATION NO. 3515-PP-A

October 5, 1936

Appearances: T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

Heretofore private permit No. A-928 issued to Vern Kutz and Wayne Kutz, doing business as Kutz Brothers. They now seek authority to transfer said permit to Wayne Kutz, doing business as Wayne Kutz Truck Line.

While there was no appearance for applicants, protestants consented that said matter might be heard upon their verified application and that transfer might be authorized as requested.

After a careful consideration of the record, the Commission is of the opinion and finds that said transfer should be authorized, with the proviso that transferee assumes the outstanding unpaid obligations of said Kutz Brothers, if any, incurred in their operations.

O R D E R

IT IS THEREFORE ORDERED, That Vern Kutz and Wayne Kutz, doing business as Kutz Brothers, should be, and they hereby are authorized to transfer their private permit No. A-928 to Wayne Kutz, doing business as Wayne Kutz Truck Line, provided that the said Wayne Kutz assumes and satisfies all

outstanding obligations, if any there be, against said transferors' operation.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Frank D. Dineen

W. C. Danks

Walter E. Egan
Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WELDON CONNER FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3505-PP

October 5, 1936.

Appearances: Weldon Conner, Eckert, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
George Albers and Parkinson Transfer
Company.

S T A T E M E N T

By the Commission:

Weldon Conner, who resides at Eckert which is eleven miles north of Delta, herein seeks a Class B permit to operate as an intrastate private carrier by motor vehicle for hire for the transportation of farm products, including live stock, from farms within a radius of six miles of Eckert to Eckert, Austin, Delta, Cedaredge, Montrose and points within a radius of 100 miles of Eckert, and milk and cream to Eckert from farms within a radius of 16 miles thereof.

The evidence further disclosed that Mr. Conner operates a milk route for the Service Creek Creamery at Eckert, said milk route starting about six miles north and west of Cedaredge, and incidentally moves farm products, including live stock, for his customers.

There was no objection to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Weldon Conner, of Eckert, Colorado, should be, and he hereby is, authorized to operate as a Class B intrastate

private carrier by motor vehicle for hire for the transportation of farm products, including livestock, from farms within a radius of six miles of Eckert to Eckert, Austin, Delta, Cedaredge, Montrose and points within a radius of 100 miles of Eckert, and milk and cream to Eckert from farms within a radius of 16 miles thereof.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operations which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. E. Danks
Malcolm G. Giverson
Commissioners.

Dated at Denver, Colorado,
this 5th day of October, 1936.

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CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
H. E. BUTLER AND SON.)

CASE NO. 1660

October 3, 1936.

S T A T E M E N T

By the Commission:

On August 13, 1936, the Commission entered its order in the instant case cancelling private permit No. A-100, heretofore issued to respondents. The main ground upon which said permit was cancelled was the failure of respondents to keep on file with the Commission the necessary insurance required by law, as well as to make monthly reports for the period January 1, 1936, to the date of said order.

It now appears from our records that respondents filed the required insurance with the Commission on August 26, 1936, and have made reports to August 1, 1936, and request has been made that said permit be reinstated.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said request should be granted, provided respondents immediately bring their monthly highway compensation reports up to date.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-100 be, and the same is hereby, reinstated as of this date, with a warning to respondents that hereafter any delinquencies in keeping the necessary insurance on file, or in making their monthly reports will result in final cancellation of their authority to operate.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. O'Connell
W. L. Parks
Commissioners.

Dated at Denver, Colorado,
this 3rd day of October, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF J. A. BURT, OF MEEKER, COLORADO,)
FOR A PERMIT TO OPERATE AS A CLASS)
"B" PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3497-PP

October 9, 1936.

Appearances: C. P. Rigby, Esq., Meeker, Colorado,
for applicant;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.,
and Colman Freight Service;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Harp Brothers.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of (a) farm products, including live stock, from ranches within a radius of 10 miles of Rifle to Rifle, Craig, Grand Junction and other markets in the State of Colorado; (b) salt, oil cake, grain and other stock feeds from said ranches and Rifle, Craig or Meeker, to ranches within a radius of twenty miles of Meeker; (c) wool from said ranches within a radius of twenty miles of Meeker to Rifle or Craig; (d) coal from mines within a radius of twenty miles of Meeker to points in said area, and (e) oil well machinery, supplies and equipment from Florence and other points in the State of Colorado to leases of Morapos Petroleum Company near Moab for said Company only.

There were no objections to the issuance of permit as limited.

The financial responsibility and operating experience of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. A. Burt of Meeker, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of (a) farm products, including live stock, from ranches within a radius of 10 miles of Rifle to Rifle, Craig, Grand Junction and other markets in the State of Colorado; (b) salt, oil cake, grain and other stock feeds from said ranches and Rifle, Craig or Meeker, to ranches within a radius of 20 miles of Meeker; (c) wool from said ranches within a radius of 20 miles of Meeker to Rifle or Craig; (d) coal from mines within a radius of 20 miles of Meeker to points in said area; and (e) oil well machinery, supplies and equipment from Florence and other points in the State of Colorado to leases of Morapos Petroleum Company near Moab for said Company only, provided that said applicant shall not engage in the transportation of commodities between points served by scheduled motor vehicle common carriers.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker

W. D. Danks

Malcolm E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

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~~CONFIDENTIAL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF W. L. SOENS FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECES-)
SITY FOR ENLARGED TERRITORY AND)
EXTENSION OF LINES.)

APPLICATION NO. 1116-B

October 5, 1936

Appearances: Lewis M. Perkins, Esq., Durango, Colorado,
for the applicant.

S T A T E M E N T

By the Commission:

On July 25, 1928, an order was entered in Application No. 1116 granting authority to W. L. Soens to construct and operate an electric generating power plant near Bayfield, Colorado, and to serve users in Bayfield, Ignacio and intervening territory.

W. L. Soens now files an application for authority to exercise rights over the highways of part of La Plata and Archuleta Counties and to extend distribution lines so as to deliver electrical current to certain rural districts indicated on the map filed with his application.

It appeared at the hearing that Mr. Soens has built up a rather extensive electrical business and conducts the same under the name of the Pine River Power Company of Bayfield, Colorado; that he has an application pending before the Rural Electrification Administration of the United States Government, with a view of getting additional funds should he require the same in order to extend his present distribution system to those rural localities indicated on said map and be in a position to serve a large number of additional users, particularly that area covered by a branch line from Bayfield to the rural communities north thereof, a branch line south and west of Bayfield, also one south and east, serving like rural communities, also a line south and west of Bayfield to the Oxford community, a line to serve the rural

communities at Tiffany, Allison and Arboles, together with an extension south of Durango to the lower Animas River region and Florida Mesa region.

It was also disclosed at the hearing that the Board of County Commissioners of La Plata County had passed a resolution granting a right to the use of highways for the construction of such lines as the applicant might see fit to use in connection with his proposed distribution of electrical current, and that there is no other source of electrical power or competition of any kind in this locality except the Western Colorado Power Company, which company addressed a letter to the Public Utilities Commission, under date of September 21, 1936, advising that they had no objection to the granting of a certificate of public convenience and necessity to W. L. Soens to cover the territory described in his application and shown on the map attached thereto, with the exception, that the Western Colorado Power Company desires to serve as its own territory, the area lying south of Durango for a distance of approximately five miles and west of the Animas River. It also appeared that the Western Colorado Power Company would in all probability supply any additional electrical current which the applicant might need in order to properly serve the added customers to be acquired in connection with his proposed extension.

The testimony at the hearing disclosed that there was a substantial demand for electrical current for light, heat and power in those parts of La Plata and Archuleta Counties sought to be served by the applicant, that no such service was now available in any of the communities sought to be served, and that the applicant was an experienced and dependable man in this particular business. It also appeared that the proposed extensions would involve the construction and maintainance of approximately one hundred and thirty miles of new distribution lines at a cost of about \$180,000.00 and that the applicant was not only willing and ready, but had means of his own, which supplemented by funds which he was able to command would put him in a position to make the installations. The Commission does not accept the amount of expenditures abovementioned as being binding upon the Commission in any hearing which might be had for rate fixing purposes.

After careful consideration of the application and the testimony given at the hearing the Commission is of the opinion and finds that the public convenience and necessity requires that the applicant, W. L. Soens, doing business as The Pine River Power Company at Bayfield, Colorado, should be authorized to exercise the rights and make the installations as herein sought.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require that the applicant, W. L. Soens, doing business under the name of the Pine River Power Company be and he hereby is authorized to construct and operate a distribution system covering that part of La Plata and Archuleta Counties to-wit:

The rural district around Bayfield, Colorado, the rural district around Ignacio, Colorado and the rural district included in the area around Tiffany, Allison and Arboles; and including the territory south of Durango to the lower Animas River region and Florida Mesa and other rural districts in said Counties as may be decided upon by the applicant,

all of which territory is indicated on the map attached to the application filed herein and made a part thereof, with the exception of that territory lying south of Durango for a distance of approximately five miles and immediately west of the Animas River, which area is reserved by the Western Colorado Power Company for the purpose of distributing electric energy for light, heat, power and other purposes; that the applicant be and he hereby is authorized to exercise the franchise rights acquired in said Counties; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That within thirty days prior to the sale and distribution of electrical energy, the applicant shall file with the Commission, his tariff of rates, rules and regulations governing said operation.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. McClure

W. H. Danks

William G. Quinn
Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

CONTROL 72

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF ALBERT HAMMER.)

PRIVATE PERMIT NO. A-1130

Handwritten notes:
J
mm
uk
a-1130

October 5, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Albert Hammer, holder of private permit No. A-1130, with the following request:

"Please suspend my PUC permit No. A-1130 as I am using my truck solely on WPA work and expect to do this work for some time, and do no other hauling for hire, but if I do, will notify you, and my insurance company so that they can endorse my insurance properly for this kind of hauling."

After careful consideration, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-1130, heretofore issued to Albert Hammer, of Denver, Colorado, be, and the same is hereby, suspended for a period of six months from the date hereof provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Handwritten signatures:
Edward J. [unclear]
McDanks
Maen [unclear]
Commissioners

Dated at Denver, Colorado,
this 5th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF HENRY R. SWANSON FOR AN EX-)
TENSION OF HIS PRIVATE PERMIT)
NO. A-1584.)

APPLICATION NO. 3300-PP-B

October 9, 1936

Appearances: Mr. Henry R. Swanson, Box 186, Paonia, Colo-
rado, pro se;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association.

S T A T E M E N T

By the Commission:

By order of the Commission, dated July 21, 1936, Decision No. 8048, applicant was granted a Class "A" intrastate permit to operate as a private carrier by motor vehicle for hire for the transportation of lumber and lumber by-products from Hubbard Park Sawmill, 18 miles north of Paonia to Paonia, Bowie, Somerset, Hotchkiss and Delta, over U. S. Forest Service Trail to Paonia and state highways from Paonia to destinations aforementioned, with back haul of supplies to said sawmill.

He now seeks an extension of said permit A-1584 to include authority to transport farm products to Paonia from farms within a radius of 10 miles thereof, farm supplies specifically including salt and feeds for ranchers and fruit baskets, boxes and other supplies for fruit growers from Paonia to said farms, coal from Bowie and Oliver mine to Paonia and farms within a radius of 10 miles thereof, and to Hotchkiss and Delta, and the right to distribute supplies for the Paonia Marketing Association, only, among its packing plants in Delta, Hotchkiss and Paonia, with occasional trips with fruit packing supplies such as tree sprays, etc. from Grand Junction to Paonia for said Paonia Marketing Association

There was no objection to the issuance of permit as limited and it did not appear that the proposed service will impair the efficiency of any authorized adequate motor vehicle common carrier service now serving said territory proposed to be served by applicant.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said proposed operation in part is that of a "B" private carrier instead of an "A" private carrier, that said extension should be allowed and that said permit hereafter should bear the number "B-1584" instead of "A-1584".

O R D E R

IT IS THEREFORE ORDERED, That Henry R. Swanson should be, and he hereby is, authorized to extend his operation as a private carrier, heretofore authorized in said Decision No. 8048 to include the transportation of farm products to Paonia from farms within a radius of 10 miles thereof, farm supplies (specifically including salt and feeds for ranchers and fruit baskets, boxes and other supplies for fruit growers) from Paonia to said farms, coal from Bowie and Oliver mine to Paonia and farms within a radius of 10 miles thereof, and to Hotchkiss and Delta, and the right to distribute supplies for the Paonia Marketing Association, only, among its packing plants in Delta, Hotchkiss and Paonia, with occasional trips with supplies such as tree sprays, etc. from Grand Junction to Paonia for said Association.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That said private permit No. A-1584 hereafter shall be known and designated as private permit No. B-1584.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Dwyer

W. D. Danks

William E. Giverson
Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1936.

CONTROL
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF BERT KIRKS FOR A PERMIT TOO)
OPERATE AS A CLASS B PRIVATE CARRIER) APPLICATION NO. 3488-PP
BY MOTOR VEHICLE FOR HIRE.)

October 9, 1936.

Appearances: Bert Kirks, Olathe, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association
and Homer Dale.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks authority to haul farm products from point to point within the area extending 7 miles west, north and south of Olathe, and to Olathe on the east, during harvest season.

There was no objection to the issuance of the permit as limited.

The operating experience of applicant was established to the satisfaction of the Commission.

After careful consideration of the record, the Commission is of the opinion, and finds, that said application as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Bert Kirks, of Olathe, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products from point to point within the area extending seven miles west, north and south of Olathe and to Olathe on the east, during the harvest season.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts

or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Decker

W. D. Danks

Malcolm G. Grier
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. E. DAUGHERTY FOR A PERMIT) APPLICATION NO. 3506-PP
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 9, 1936.

Appearances: C. E. Daugherty, Montrose, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of (a) farm products, including live stock, from farms in the Bostick Park area located 11 miles northeast of Montrose, and the Sanborn Park area located 30 miles west of Montrose, and farms within a radius of 12 miles of Montrose to Montrose and Olathe; (b) lumber from Jack Wilson's mill located about 20 miles west of Montrose to Montrose; (c) water for the National Park Service from Montrose to the National Park Service Camp about 18 miles northeast of Montrose; and (d) camp equipment and supplies for the National Park Service from and to National Park headquarters about 17 miles northwest of Grand Junction to and from said National Park Camp, located about 18 miles northeast of Montrose.

There was no objection to the issuance of permit as limited.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That C. E. Daugherty, of Montrose, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of (a) farm products, including live stock, from farms in the Bostick Park area

located 11 miles northeast of Montrose, and the Sanborn Park area located 30 miles west of Montrose, and farms within a radius of 12 miles of Montrose, to Montrose and Olathe; (b) lumber from Jack Wilson's mill located about 20 miles west of Montrose, to Montrose; (c) water for the National Park Service Camp about 18 miles northeast of Montrose; and (d) camp equipment and supplies for the National Park Service from and to National Park headquarters about Junction 17 miles northwest of Grand / to and from said National Park Camp located about 18 miles northeast of Montrose.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. E. Danks

Malcolm E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF W. E. BRYANT AND E. J. BOYLE,)
DOING BUSINESS AS BRYANT AND BOYLE,)
TO TRANSFER THEIR PRIVATE PERMIT)
NO. A-631 TO J. B. RICHARDSON AND)
E. LeROY KARST, DOING BUSINESS AS)
RICHARDSON AND KARST.)

APPLICATION NO. 3335-PP-A

October 9, 1936

Appearances: J. B. Richardson and E. LeRoy Karst,
Granby, Colorado, pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for McLean Truck Line and Colorado
Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Associa-
tion and Larson Transportation Company.
Arthur E. Aldrich, Esq., Idaho Springs for
Curnow Livery and Transfer.

S T A T E M E N T

By the Commission:

On March 17, 1934, private permit No. A-631 issued to W. E. Bryant and E. J. Boyle, doing business as Bryant and Boyle, to operate between Denver and Kremmling and Grand Lake and intermediate points, via U. S. 40 and Colorado State Highway No. 16.

Said permit holders now seek authority to transfer said permit to J. B. Richardson and E. LeRoy Karst, formerly doing business as Bryant and Boyle and now doing business as "Richardson and Karst Truck."

The evidence disclosed that transferees are to pay the sum of \$500 for said permit and a 1934 Chevrolet truck, that they are experienced truckers and are financially able to carry on the proposed operation.

The evidence did not disclose that there are any unpaid claims outstanding against the operation but it would seem that transferees should be responsible for outstanding obligations, if any develop, to the extent of the consideration. Subsequent to the hearing but prior to formal entry of order herein, the Curnow Livery and Transfer Company filed petition to reopen the matter on the ground that it had not been served with notice of hearing.

The record discloses that the Motor Truck Common Carriers Association was served with notice of the hearing and was represented at the hearing by Zene D. Bohrer, Esq., its attorney. The records of the Commission also disclose that The Curnow Livery and Transfer Company is a member of the Motor Truck Carriers Association. While we endeavor to serve all parties including the Motor Truck Common Carriers Association and its members who might be interested in matters pending before the Commission, we heretofore have taken the position and now hold that service and notice upon The Motor Truck Common Carriers Association as an association is service upon all its members. The Curnow Livery and Transfer Company is a member of the Motor Truck Common Carriers Association and, therefore, had notice of the hearing and was represented by Mr. Zene D. Bohrer, Esq.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application to reopen the above styled matter for further hearing should be denied, and the Commission further finds, that said application for transfer should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the application to reopen the above styled matter, filed by The Curnow Livery and Transfer Company, should be, and the same hereby is denied.

IT IS FURTHER ORDERED, That W. E. Bryant and E. J. Boyle, doing business as Bryant and Boyle, should be, and they hereby are, authorized to transfer their private permit No. A-631 to J. B. Richardson and E. LeRoy Karst, copartners, doing business as "Richardson and Karst Truck", said transferees, however, to assume and satisfy all outstanding obligations incurred by transferors in the conduct of said operation, if any there be.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferees have filed a list of their customers and the required insurance and have secured identification cards.

IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby,
made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

W. C. Danks

Malcolm Glickson
Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1936.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
T. V. SURBER, DOING BUSINESS AS) APPLICATION NO. 1504-B.
HILLTOP-DENVER TRUCK LINE, FOR AN)
EXTENSION OF CERTIFICATE NO. 455.)

October 9, 1936.

Appearances: Mr. T. V. Surber, Hilltop, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colo.,
for Colorado Trucking Association;
Winston S. Howard, Esq., Denver, Colorado,
for Livestock Common Carriers Ass'n.,
Mr. Bert Hall, Parker, Colo., for Hall Truck
Line.

S T A T E M E N T

By the Commission:

On February 26, 1930, in Application No. 1504 (Decision No. 2761), T. V. Surber and C. Pope, copartners doing business as Hilltop and Denver Truck Line, were granted a certificate of public convenience and necessity, PUC No. 455, to operate a motor vehicle system for the transportation of freight between certain territory therein described adjacent to Hilltop and Denver but not between any intermediate points.

Mr. Surber is now the sole owner of said certificate and seeks an extension, the privileges therein granted to include the transportation of livestock and general farm commodities from and to all points within a radius of 15 miles of Hilltop to and from all points within the State of Colorado.

The evidence disclosed that the area served by him has practically been limited to a radius of 10 miles of Hilltop with a line haul service between Hilltop and Denver; that he has approximately \$3,000 worth of equipment which he uses in his present operation and which will be used by him under the extension if it be granted; that he does not intend to transport milk and cream under the extension; that there is considerable demand for his service and that the public convenience and necessity requires the extension.

- 1 -

There was no objection on the part of protestants appearing at the hearing to the granting of said extension.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the public convenience and necessity requires the proposed extended service of applicant and that certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity requires the proposed extended call and demand transportation service of applicant T. V. Surber, doing business as Hilltop and Denver Truck Line, for the transportation of livestock and general farm commodities excluding milk and cream from and to all points within a radius of 15 miles of Hilltop to and from all points within the State of Colorado, and this order shall be deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Sullivan

W. C. Danks

Max E. Eason
Commissioners.

Dated at Denver, Colorado
this 9th day of October, 1936.

B-
CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HARRY S. RUTH FOR A CLASS "B") APPLICATION NO. 3440-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 9, 1936.

Appearances: Mr. Harry S. Ruth, Evans, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and Union Delivery Company;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Winston S. Howard, Esq., Denver, Colorado,
for Livestock Common Carriers Association,
R. M. Slapper, M. A. Harsch, Dewey Bibbey
and R. J. Horn.

S T A T E M E N T

By the Commission:

Applicant, Harry S. Ruth, herein seeks a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of (a) farm products except livestock from, to and between points within a radius of 25 miles of Evans, Colorado, excluding territory served by Lyon & Thompson, (b) livestock from point to point within a radius of 5 miles of Evans and livestock from points in said area to Greeley, and from and to points in said area to and from pastures in northern Colorado; (c) coal from northern Colorado coal fields to points within a radius of 25 miles of Evans; (d) plaster, cement and cement by-products from Evans to points within a radius of 25 miles of Evans; excluding, however, all transportation service between towns on U. S. Highway No. 85 for all commodities except coal in competition with line haul carriers.

The evidence further disclosed that Lyon and Thompson have been authorized to transport farm products, including livestock, from Hudson to Denver and from, to and between the territory extending 10 miles east of

Keenesburg, 15 miles south, 4 miles west and 4 miles north thereof. Mr. Lyon stated that he had no objections to granting of authority to Mr. Ruth to transport grain from combines and thrashers but at other times there was not sufficient business for his line haul service and the granting of additional authority would impair the efficiency of his common carrier service.

Except as indicated, there was no objection to issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Harry S. Ruth should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of (a) farm products from, to and between points within a radius of 25 miles of Evans, excluding the right to serve (except for the transportation of wheat from combines and thrashers) from, to and between points within the territory heretofore described as allocated to Lyon and Thompson; (b) livestock from point to point within a radius of 5 miles of Evans and from points in said area to Greeley, and from and to points in said area to and from pastures in northern Colorado; (c) coal from coal mines in northern Colorado to points within a radius of 25 miles of Evans; (d) plaster, cement and cement by-products from Evans to points within a radius of 25 miles of Evans, excluding, however, the right to transport commodities, except coal, ordinarily handled by line haul scheduled carriers between towns on U. S. Highway No. 85.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now

or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

McDauks

Malcolm Eisner

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

BH

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
ROY ZIMMERMAN, OF LOMA, COLORADO,)
FOR A PERMIT TO OPERATE AS A CLASS)
"B" PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3486-PP.

October 9, 1936

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association and
Uintah Stage Lines;
T. A. White, Esq., Denver, Colorado, for
Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The above styled application, which was filed on September 5, 1936, was regularly set for hearing at Grand Junction, Colorado, on September 16, 1936, at 3:00 o'clock P.M., due notice thereof being given applicant.

Notwithstanding said notice, applicant failed to appear at the hearing. However, protestants consented that said application should be considered as offered in evidence in behalf of applicant and that permit limited to the transportation of farm products, used farm machinery and equipment from point to point within a radius of 15 miles of Loma, and farm products from farms in said area to Grand Junction and canneries, beet dumps, storage points and elevators in Mesa County, might issue.

It did not appear that the proposed operation would impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion, and finds that permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That Roy Zimmerman, of Loma, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products, used farm machinery and equipment from point to point within a radius of 15 miles of Loma and farm products from farms in said area to Grand Junction and canneries,

beet dumps, storage points and elevators in Mesa County, provided that applicant shall not engage in the transportation of commodities ordinarily handled by line haul motor vehicle carriers between points served by such carriers.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. L. Danks

Walter Erickson

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

CONTROL *74*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF CURT C. MORRISON.)

PRIVATE PERMIT NO. B-1189

Holo
Am m OK
B-1189

October 9, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mr. Curt C. Morrison, of Mosca, Colorado, stating that he has paid up his road tax and ceased operations under his Private Permit No. B-1189 in January, 1936.

After careful consideration, the Commission is of the opinion, and so finds, that Private Permit No. B-1189 should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1189, heretofore issued to Mr. Curt C. Morrison, of Mosca, Colorado, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. E. Sparks

Malcolm Brinson

Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1936.

R

CONTROL *W*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

166 per
B-1658

* * *

IN THE MATTER OF THE APPLICATION OF)
MISS MINNIE KRAMER, BRIGHTON, COLO-)
RADO, FOR A CLASS "B" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3519-PP

October 9, 1936.

Appearances: G. W. Bowman, Esq., Denver, Colorado,
for applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
C. D. Young, Esq., Denver, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks a Class "B" permit for authority to transport sample beets and sugar beets from various fields to factory for the Great Western Sugar Company, and coal from the northern Colorado coal fields to Denver, Colorado.

The testimony disclosed that this operation was conducted by the father and brother of applicant and that the principal item of business for hire was the collection of sample beets for the sugar factories at Brighton and Fort Lupton, which services the applicant had been rendering for some years last past through some arrangements with the factories, and now seeks to have authority from the Commission so that the operation can be conducted separately from the sugar factory.

It appeared that the applicant desired this authority to extend over the beet growing area around Fort Lupton and Brighton, Colorado. Applicant also desires authority to transport coal from the northern Colorado coal fields to customers residing in said area, including Denver. The financial standing and reliability of applicant were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Minnie Kramer of Brighton, Colorado, be, and she hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of sample beets and sugar beets from farms within the beet growing area around Fort Lupton and Brighton, Colorado, to factories at Brighton and Fort Lupton for the Great Western Sugar Company, and for the transportation of coal from the northern Colorado coal fields to customers residing within the above described area and to Denver.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane

W. L. Danks

Walter E. Egan

Commissioners.

Dated at Denver, Colorado,
this 9th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
C. A. FOSTER, DOING BUSINESS AS AND)
UNDER THE NAME OF THE FOSTER TRUCK)
LINES, FOR AN EXTENSION AND ENLARGE-) APPLICATION NO. 674-B
MENT OF CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY NO. 72.)

October 19, 1936.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado,
for Foster Truck Line;
Worth Allen, Esq., Denver, Colorado,
for Windecker Brothers;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association,
W. E. Barlow and others;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Emerson B. Evans, Esq., Denver, Colorado,
for the Alma-Denver Bus Line.

S T A T E M E N T

By the Commission:

This application was heard along with Application No. 3433 and
Application No. 3471.

On January 24, 1927, in Application No. 674, Decision No. 1090,
the applicant herein was granted Certificate No. 72, with authority for the

"Transportation of general freight and dairy products
between the City and County of Denver and the towns of
Morrison and Indian Hills, and from and to the dairying
district south and contiguous or adjacent to the town
of Morrison and all intermediate points."

On April 3, 1929, Application No. 922-A, the applicant acquired
part of the authority held by Alice James Lilley, granting permission

"To transport merchandise returned by the merchants in
Littleton to wholesale and jobbing houses in Denver, and
for the transportation from Denver to Littleton of
perishable vegetables, fresh fruit, ice cream, drugs and
repairs for heating plants and machinery."

It appeared from the testimony given at the hearing that the
applicant Foster, in the conduct of his combination milk and freight route,
has developed quite an area along Highway No. 8 from the point where Highway

No. 70 joins No. 8, and continuing to a point some distance above Indian Hills and in addition to this, has been serving not only the Indian Hills post office, but what is known as the "Indian Hills" area, which constitutes all that section composed of approximately five sections on either side of Parmalee Gulch, between the junction of this gulch with Turkey Creek, near the center of Section 16 (T. 5 S., Range 70 West), running northwest along said gulch to Dixie Park.

It also appeared that the applicant had been serving milk customers on either side of Highway No. 8, commencing at Cowan and continuing to at least Conifer, and that this area on both sides of the road extended approximately five miles in each direction from the highway. It was also disclosed that since taking over the Lilley rights, the applicant travels via U. S. Highway No. 85 to Littleton, thence west to Lowell Boulevard, north on Lowell Boulevard through Fort Logan, at which point he has been delivering freight; thence west along Highway No. 70 to Cowan or the junction of Highway No. 70 with Highway No. 8. By this route the applicant balanced his operation by delivering freight from Denver on his outbound trip and gathering milk and dairy products from the area abovedescribed which made up his load for the return trip to Denver.

The applicant seeks authority to extend his operations, both milk and freight as far up as Bailey. However, the testimony disclosed that a number of authorized carriers now serve points along Highway No. 8, including Bailey, Shaffers Crossing and Conifer, particularly the Alma-Denver Bus Line, which transports express and freight up to 300 pounds, and other through carriers from South Park.

It also appears that Windecker Brothers, who hold a private permit and whose application No. 3471 for a certificate was received July 31, 1936, render service from Shaffers Crossing.

From the authority set forth in Certificate No. 72 and the amendment thereto, it does not specifically state just what area might be served other than the points along Highway No. 8 and the service between Denver and Littleton, and the applicant seeks to have his certificate clarified by an order defining

the territory and including such additional area as the testimony may disclose a public need for the services of the applicant.

Harry Newlin who conducts a creamery at West Alameda and Federal Boulevard, testified that the services of Foster were necessary for the conduct of his business as he had trouble in getting milk in quantity and quality except for the Foster service, and that a number of milk producers living off of Highway No. 8 were anxious to use the Foster service in bringing their product to his creamery.

C. E. Morris, who conducts a dairy near Conifer, stated that the South Park Transportation Lines, passing through Conifer, seldom ever stopped and that he found the Foster service both in the transporting of milk to Denver and groceries back to that point, was necessary for the public good.

Frank Gaumaer, of the Alma-Denver Bus Line (Certificate No. 762), stated that the operation of this Company included the transportation of passengers, baggage, express and freight up to three hundred pounds, and that a daily service was afforded to all points along Highway No. 8, including Bailey and Conifer; that other truck lines operating between Denver and South Park also stopped at Bailey and when called upon at Conifer, and that he was quite certain there was ample transportation service from Bailey and Conifer. The witness stated that while his Company carried a great deal of express, the rates on light freight and express would be such rates as might be prescribed by the Commission, but that the shipping public would not be required to use his service at an express rate when prescribed freight rates were much lower.

The financial standing and reliability of the applicant to conduct the original operation, as well as any extensions, were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion that the orders defining the Foster authority should outline the territory to be served more definitely, and that the public convenience and necessity requires the extended services of the applicant to include the area on either side of Highway No. 8 from

Cowan to Conifer Junction, and that he should be given authority to serve Fort Logan and operate via Highway No. 70.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extended motor vehicle operations of the applicant in serving the added area herein described, and Certificate No. 72 be, and it is hereby, amended to include, in addition to the points set forth in the original order; all of that territory extending five miles on each side of Highway No. 8 between Cowan and ~~Conifer Junction~~ ^{Basley}, both inclusive, and the areas described as follows:

Commencing at the junction of Highway No. 70 with Highway No. 8; thence along Highway No. 8 in a northeasterly direction to approximately the center of Section 26, T 4 S, Range 69 W, being the southwest corner of Green Gables Country Club; thence south to Bear Creek, thence southwest along Bear Creek to the junction of Highway No. 70 with Highway No. 8,

and

Beginning at Denver, Colorado; thence along U. S. Highway No. 85 to Littleton; thence county road to Fort Logan; thence State Highway No. 70 to Cowan and Highway No. 8, Denver-Cowan-Mt. Morrison-Indian Hills-Conifer Junction ^{Basley} and return,

for the transportation on schedule of freight, express, dairy products and farm products, over said highways from the areas as hereinabove described, together with authority to serve Ft. Logan, 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 and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be

hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. C. Danks

Walter D. Smith

Commissioners.

Dated at Denver, Colorado,
this 19th day of October, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
EVERETT R. DYER OF LIVERMORE, COLO-)
RADO FOR A CLASS A PERMIT TO OPERATE) APPLICATION NO. 3411-PP.
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

October 9, 1936.

Appearances: Messrs. L. R. Temple, C. A. Bennett and
A. L. March, Fort Collins, Colorado,
for applicant;
C. D. Young, Esq., Denver, Colorado, for
The Colorado Trucking Association,
Winscom and Lyon and Laramie-Walden Stage
Line.

S T A T E M E N T

By the Commission:

This application was first set for hearing at Longmont, Colorado, August 12, 1936, but through some misunderstanding the applicant did not appear and after careful consideration the application was set for September 24, 1936 at Walden, Colorado. The applicant herein seeks authority to transport telephone poles, piling, posts and lumber from the foot of Cameron Pass to railroad loading point at Walden, Colorado, a distance of twenty miles, via Highway No. 14, for one customer, the Michigan River Timber Company, with no back haul.

Mr. Dyer testified that he had two 1936 Chevrolet trucks and one trailer of his own and was arranging for additional equipment, which he was able to command. The applicant stated that he had a contract with the Michigan River Timber Company, a copy of which was introduced and marked Exhibit No. 1.

E. F. Clark, Superintendent of the Michigan River Timber Company, who has charge of the saw mill camps near the foot of Cameron Pass, stated that the Company had a C permit and thought some of purchasing their own trucks to move the output of the mills to Walden, but preferred to let the transportation end of the operation on contract, and believed Dyer to be dependable and capable. Mr. Clark stated that the Company he represented had the usual Government contract for timber sufficient to produce two million ties and that the Company anticipated delivering two hundred thousand ties per year for a period of ten years; that the contract with the Government called for payments aggregating \$270,000.00 and that in addition to the ties an effort would be made to cut some telephone poles besides posts and lumber.

Exhibit No. 1, copy of the contract between the Michigan River Timber Company and the applicant herein, was withdrawn by Mr. Bennett for the purpose of having some copies made, this exhibit being the only one possessed by the applicant. Up to the present time it has not been returned to the files.

E. N. Winscom, who holds certificate No. 857, with authority over Highway No. 14, stated that his equipment at the present time was engaged principally in taking care of ranch movements in Jackson County and that he would not have sufficient equipment to handle the contract offered by the Michigan River Timber Company at the present time, but would be in a position to handle some of this movement if an opportunity was afforded. Mr. Winscom stated that there was no objection to the issuance of a permit to the applicant, but that he would protest against the Commission approving any contract which stated a lower rate on the commodities transported than was prescribed by the Commission in its rate orders.

The financial standing and reliability of the applicant were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given at the hearing, the Commission is of the opinion, and finds, that the authority sought should be granted, provided, however, the rate charged for this movement shall not be less than the prescribed rates of the Public Utilities Commission for competitive common carrier services.

O R D E R

IT IS THEREFORE ORDERED, That Everett R. Dyer be, and he hereby is, granted a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of ties, poles, posts, piling and lumber from the (west) foot of Cameron Pass to Walden, Colorado, via Highway No. 14, for the Michigan River Timber Company, provided, however, the rate charged for this movement shall not be less than the prescribed rates of the Commission for competitive common carrier service.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. McQuade
W. C. S. Danks
William Britton
Commissioners

Dated at Denver, Colorado,
this 9th day of October, 1936.

CONTROL *JS*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CATHERINE CUNNINGHAM FOR A CLASS "A") APPLICATION NO. 3147-PP
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

October 8, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The above styled matter, on May 8, 1936, Decision No. 7596, was dismissed for lack of prosecution.

Thereafter, applicant requested that said application be reinstated upon the ground that she did not appear at the time and place set for hearing because she had been informed that it was not necessary to do so.

It also appears from said application for reinstatement that applicant expects to limit her transportation service to the transportation to points within a radius of eight miles of Eaton, Colorado, of cement from Boettcher, timber and timber products from lumber camps west of Fort Collins, and potatoes, cabbages and farm products from farms within a radius of eight miles of Eaton, and coal from mines in the northern Colorado coal fields; and sand and gravel from point to point within said radius, and that said application should be amended accordingly.

After a careful consideration of applicant's request and the record herein, the Commission is of the opinion and finds that said application should be reinstated and as amended should be set for hearing in Denver, Colorado, on October 13, 1936, at 10 o'clock A. M.

O R D E R

IT IS THEREFORE ORDERED, That said Application No. 3147-PP should be, and the same hereby is reinstated.

IT IS FURTHER ORDERED, That said application should be, and the same hereby is amended to show that the authority sought is that of a private carrier by motor vehicle for hire for the transportation to points within a radius of eight miles of Eaton of cement from Boettcher, timber and timber products from lumber camps west of Fort Collins, potatoes, cabbages and farm products from farms within a radius of 8 miles of Eaton, and coal from mines in the northern Colorado coal fields; and sand and gravel from point to point within said radius.

IT IS FURTHER ORDERED, That said application should be, and the same hereby is set down for hearing in the Hearing Room of the Commission, Denver, Colorado, on the 13th day of October, 1936, at 10 o'clock A. M.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Walter E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
JAKE BERNHARDT, FORT MORGAN, COLO-)
RADO, FOR A CLASS "A" PERMIT TO)
OPERATE AS A PRIVATE CARRIER BY) APPLICATION NO. 3516-PP.
MOTOR VEHICLE FOR THE TRANSPORTATION)
OF MILK WITHIN A RADIUS OF THIRTY-)
FIVE MILES OF FORT MORGAN, COLORADO)

October 9, 1936

Appearances: Jake Bernhardt, Fort Morgan, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Ass'n.,
Northeastern Motor Freight and E. H. Roe;
C. D. Young, Esq., Denver, Colorado, for The
Colorado Trucking Association, Atwood
Brothers, Adolph A. Bethke and Frank Pless.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant
herein seeks authority to transport milk and dairy products from an
area described as follows:

Beginning at Fort Morgan, thence north five
miles, thence east seven miles, thence south
eight miles, thence west seven miles, thence
north three miles to Fort Morgan,

for the Northern Colorado Dairy Company; and for the transportation of
sugar beets from farms within a six mile radius of Fort Morgan, Colorado,
to the factory therein and coal from the northern Colorado coal fields
to customers residing within said six mile radius of Fort Morgan.

The applicant stated that he desired to conduct no transporta-
tion service which would be in conflict with the Northeastern Motor
Freight. The notice sent out mentioned milk only, but the applicant's
application mentioned freight and his testimony indicated that what he
really wanted was the right to haul sugar beets, dairy products, and
coal. There being no objection raised by those appearing for the pro-
testants, these commodities were considered part of his application.

After careful consideration of the record and the testimony

the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Jake Bernhardt of Fort Morgan, Colorado be and he hereby is granted a Class "A" permit to operate as a private carrier by motor vehicle for hire for the transportation of milk and dairy products from farms within the following described area:

Beginning at Fort Morgan, thence north a distance of five miles, thence east seven miles, thence south eight miles, thence west seven miles, thence north three miles to the place of beginning,

to Fort Morgan for the Northern Colorado Dairy Company; for the transportation of sugar beets from farms within a radius of six miles of Fort Morgan, Colorado, to the factory therein; and for the transportation of coal from the northern Colorado coal field to customers residing in said six mile radius of Fort Morgan, Colorado, provided, however, that the applicant shall not engage in the transportation of freight, generally, in competition with the Northeastern Motor Freight.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Dated at Denver, Colorado,
this 9th day of October, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Jones
W. D. Banks
William G. Givens
Commissioners.

(Decision No. 8537)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF A GENERAL INVESTIGATION)
OF THE FREIGHT RATES, AND CLASSIFICATION) CASE NO. 1585.
OF FREIGHT, OF ALL COMMON AND PRIVATE)
MOTOR VEHICLE CARRIERS.)

October 8, 1936.

S T A T E M E N T

By the Commission:

On February 5, 1936, the Commission entered its order, Decision No. 7118, prescribing rates, charges, classification and exceptions thereto, to be charged and collected by all motor vehicle common carriers, and all private carriers by motor vehicle competing with any such motor vehicle common carriers, to become effective April 1, 1936.

Thereafter, a number of orders have been entered in this case, a history of which is set forth in our last order dated September 21, 1936, Decision No. 8396.

In our order of September 21, 1936, among other matters, we prescribed commodity rates on fresh meat and packing house products from Denver to Colorado Springs, Pueblo and Trinidad, also from Pueblo to Denver, Colorado Springs and Trinidad, subject to a minimum weight of 12,000 pounds per shipment; the Commission also prescribed a third and fourth class rating on fresh meat and packing house products, respectively, between the above-named points, on less than truckload quantities.

The Commission further prescribed for general application a basis for rates on shipments of 5,000, 10,000, 15,000 and 20,000 pounds. It also prescribed in Rule 2-A of Appendix B a minimum charge as follows:

"Except as otherwise specifically provided for in this and previous orders, the minimum charge for a single shipment from one consignor to one consignee on one bill of lading in one day shall be computed on the actual weight of the shipment at the applicable rate but not less than the following, viz.:

"40 miles and under	25 cents
100 " " over 40 miles	35 "
Over 100 miles	50 "

"Exception: On movements of empty egg cases returned (subject to Rule No. 16), the minimum charge shall be fifteen (15) cents. On shipments destined to or originating at Estes Park and Grand Lake the minimum charge shall be as follows: From or to Longmont, Boulder, Greeley, Loveland and Fort Collins, Colorado, 25 cents; from or to Denver, 35 cents."

It also prescribed specific commodity rates of 14, 16, 15, 32 and 16 cents per 100 pounds on cattle, S. D., calves and hogs, S. D. and D. D., sheep and goats, S. D. and D. D., respectively, which were in error and should have been, 13, 15, 14, 30, and 15 cents, respectively.

On September 24, 1936, a Petition for Rehearing and suspension of the minimum charges for shipments transported up to 100 miles, was filed by The Motor Truck Common Carriers Association, the Consolidated Motor Freight, Inc., the McKie Transfer Company, Inc., the Northeastern Motor Freight Company, Inc., and the Weicker Transportation Company, Inc., all of which are common carriers by motor vehicle affected by the minimum charges prescribed in our order of September 21, 1936. No attack is made in connection with that portion of Rule 2-A of Appendix B referring to the exception hereinbefore set forth.

Armour & Company, Swift & Company, and Bennie Goldstein filed their petition for rehearing on October 6, 1936, and for suspension of the rates prescribed for the transportation of fresh meat and packing house products between Denver, Colorado Springs and Pueblo, Colorado. On October 7, 1936, the Colorado Trucking Association filed its petition for rehearing on the rates prescribed for the transportation of 5,000 and 10,000 pound shipments, the rates on fresh meat and packing house products between Denver, Colorado Springs, Pueblo and Trinidad, the rates on canned goods moving in

minimum shipments of 15,000 and 20,000 pounds, particularly between Denver and Manzanola, and the rates prescribed for the transportation of livestock between Denver and Longmont, Colorado in Appendix G-1 of said order and decision, and requesting suspension of said rates for the transportation of fresh meat and packing house products.

On further consideration of the record and said petitions for rehearing, the Commission is of the opinion, and so finds, that that portion of Rule 2-A of Amended Appendix B, insofar as it provides a 25 cent and a 35 cent minimum charge, except to and from Estes Park and Grand Lake, should be suspended, and set for further hearing. It further finds that Item 4 of the Supplement to Appendix K, Item 9 of Appendix A of Decision No. 7118, Item 12-A of Amended Appendix A, except Butter, Cheese, Eggs, frozen, Eggs, N.O.I.B.N., Mince Meat, Oleomargarine and Sandwich Spreads, Rule 19-A of Amended Appendix B, insofar as the same may apply to the transportation of fresh meat and packing house products between Denver and Trinidad, and intermediate points, should be suspended. We further find that part I of Appendix G-1, insofar as the same applies to the transportation of livestock from Longmont to Denver, should be amended to read as follows:

	Cattle S.D.	Calves & Hogs S.D.	Hogs D.D.	Sheep & Goats S.D.	Goats D.D.
Longmont.....	13	15	14	30	15

We further find that the petition of The Colorado Trucking Association, insofar as any further hearing is concerned, should be denied, provided, however, that the Commission will hear arguments concerning the rates on 5,000 and 10,000 pound shipments and the rates on canned goods, on the record as made, at the time of the further hearings upon the items above referred to which will be suspended. Since we are correcting our order herein with respect to the rate on livestock from Longmont to Denver, no further disposition need be made concerning such item.

O R D E R

THEREFORE, IT IS ORDERED, That the petition for rehearing filed herein by The Motor Truck Common Carriers Association, Consolidated Motor Freight, Inc., McKie Transfer Company, Northeastern Motor Freight Company, Inc., Weicker Transportation Company, Inc., Armour & Company, Swift & Company, Bennie Goldstein, and that portion of the Petition of The Colorado Trucking Association concerning the rates for the transportation of fresh meat and packing house products between Denver and Trinidad and intermediate points, be, and the same are, hereby granted; and that that portion of said petition of the Colorado Trucking Association embraced in paragraphs 1, 3 and 4 thereof, be, and the same are hereby denied.

IT IS FURTHER ORDERED, That Part I of Appendix G-1 of our order and decision No. 8396, insofar as the same applies to the transportation of livestock from Longmont to Denver, be, and the same is, hereby amended to read as follows:

	Cattle	Calves & Hogs	Sheep & Goats		
	S.D.	S.D.	D.D.	S.D.	D.D.
Longmont.....	13	15	14	30	15

IT IS FURTHER ORDERED, That the effective date of that portion of Rule 2-A of Amended Appendix B, insofar as it provides a 25 cent and a 35 cent minimum charge, except to and from Estes Park and Grand Lake, Colorado; Item 4 of the Supplement to Appendix K, Item 9 of Appendix A of Decision No. 7118, Item 12-A of Amended Appendix A, except Butter, Cheese, Eggs, frozen, Eggs, N.O.I.B.N., Mince Meat, Oleomargarine and Sandwich Spreads, and Rule 19-A of Amended Appendix B, insofar as the same may apply to the transportation of fresh meats and packing house products between Denver and Trinidad and intermediate points, be, and the same is, hereby suspended and that the use of the rates, charges, regulations, and practices therein prescribed be deferred 120 days or until the 9th day of February, 1937, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That this proceeding, insofar as the suspended items are concerned, be and the same is, hereby set for further hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10 o'clock A.M., on November 19, 1936, and that at said time and place arguments will be heard on the rates on 5,000 and 10,000 pound shipments and on canned goods in minimum shipments of 15,000 and 20,000 pounds.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler
W. L. Danks
William E. Hicken
Commissioners

Dated at Denver, Colorado,
this 8th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MRS. MAUDE A. HERLACHER.)

PRIVATE PERMIT NO. A-1594

October 19, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Mrs. Maude A. Herlacher, of Colorado Springs, Colorado, requesting that her private permit No. A-1594 be suspended until further notice.

After careful consideration, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-1594, heretofore issued to Mrs. Maude A. Herlacher, of Colorado Springs, Colorado, be, and the same is hereby, suspended for a period of six months from the date of this order; provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deneen

W. D. Danks

William E. Quinn
Commissioners

Dated at Denver, Colorado,
this 19th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE ZUCCA.)

PRIVATE PERMIT NO. A-381 ✓
PRIVATE PERMIT NO. B-1332

October 19, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Joe Zucca, of Denver, Colorado, requesting that his private permits Nos. A-381 and B-1332 be suspended for a period of six months, or until such time as he may see fit to reinstate the same.

After careful consideration, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permits Nos. A-381 and B-1332, heretofore issued to Joe Zucca, of Denver, Colorado, be, and the same are hereby, suspended for a period of six months from the date of this order; provided, however, that during said suspension period, said permits may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permits are not reinstated during said suspension period, then said permits shall automatically become revoked without further order the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels

McDauks

Kearney

Commissioners

Dated at Denver, Colorado,
this 19th day of October, 1936.

8549
MAKE NO COPY

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

THE LAMAR ALFALFA MILLING COMPANY,)	
A Corporation,)	
)	
Complainant,)	
)	
vs.)	CASE NO. 1597
)	
THE CITY OF LAMAR, A Municipal)	
Corporation,)	
)	
Defendant.)	
-----)	

October 10, 1936.

Appearances: Granby Hillier, Esq., Denver, Colorado,
attorney for complainant;
Arthur C. Gordon, Esq., Lamar, Colorado,
attorney for defendant.

S T A T E M E N T

By the Commission:

The City of Lamar, hereinafter designated Defendant, owns an electric light and power generating plant and certain distribution systems which it operates, not only for the purpose of supplying electric current for power and domestic lighting purposes within the City of Lamar, but also for furnishing electric current for said purposes to other consumers located outside the boundaries of said City of Lamar.

The instant case is predicated upon a complaint filed by the Lamar Alfalfa Milling Company, a corporation, hereinafter designated as Complainant, which operates three hay mills, one located in the northern part of the City of Lamar, one at what is known as "May Valley" in Prowers County seven and one-half miles north of the City of Lamar, and one at what is known as "Big Bend" in Bent County about sixteen miles northwest of the City of Lamar. In the operation of said mills, Complainant purchases its current from Defendant, and the complaint alleges that the rate it is required to pay is excessive as compared to the rates charged other consumers by Defendant for service involving similar or equal burden and expense to Defendant. Hay mills other than those owned by Complainant are also served by Defendant.

It is further alleged in said complaint that Defendant's generating plant and distribution system investment is approximately the sum of \$250,000.00 and that Defendant derives profits upon the rates charged to complainant and other consumers of electric current for power purposes under what is known as the "hay mill" rate outside the corporate limits of the City of Lamar greatly in excess of that to which it is legally entitled.

The answer filed by Defendant is, in effect, a general denial of the material allegations of the complaint.

On behalf of Complainant, the evidence disclosed that the hay mills in the City of Lamar and at Big Bend are both operated exclusively by electric current furnished by the Lamar plant. The mill at May Valley is only partially served by the Lamar plant as it has an internal combustion distillate engine which is not, however, sufficient to develop the entire power required for the operation of said mill. It was testified that the consumption of electric current by said hay mills is what is known as an "off peak load", and under agreement with Defendant, said mills are subject to being disconnected at any time that said service interferes with the domestic lighting of the city of Lamar, or if for any other reason the hay mill load should become burdensome upon the equipment of Defendant.

It was further disclosed that at times the demand of the hay mills is highly fluctuating, particularly if wet hay is permitted to go into the grinders; that the heaviest consumption of current by the mills starts about July 1st and continues until approximately October 1st, and that the mills are not operated continuously, depending a good deal upon the demand that is received for the sale of their products.

Complainants further testified that the cost of energy under the present rates charged by Defendant has become such a factor in the operation of said mills that they have been forced to consider other means of obtaining energy. It was estimated that the cost of electric power constituted approximately 50 per cent of the total cost of reducing hay to the alfalfa meal which the mills produce.

Some evidence was also introduced by complainants as to the condition of the plant equipment of Defendant, the time of installation of some

of the units and the approximate service life of said units. Certain annual reports filed with the Commission by Defendant were also placed in the record.

On behalf of Defendant, an Exhibit No. 4 was introduced, which was designated as "Report on Service Costs Alfalfa Mill Business Years 1929 to 1934 Inclusive." Said exhibit shows a book value of the Lamar plant at the close of the year 1928 of \$363,960.64. Additions and betterments for the years 1929 to July 31, 1935, are added to this figure at actual cost to Defendant of same and with no maintenance or operating expenses included, which results in a total fixed capital account on July 31, 1935, of \$660,899.16. The various classes of property that make up said capital account are then given a depreciated value, which ranges from 80 per cent condition upon general equipment to 100 per cent condition for land values, resulting in a net depreciated value July 31, 1935, of \$624,861.33.

Said exhibit further discloses that during the years 1929 to 1934, inclusive, Defendant sold 8,740,027 KWH within the City of Lamar, which returned a revenue of \$517,647.52, the average rate paid being \$0.0592. During the same period, Defendant sold over its transmission lines other than to Alfalfa Mills a total of 1,864,607 KWH, which returned a revenue of \$115,668.08 at an average rate of \$0.0628. During the same period, Defendant sold to Alfalfa Mills a total of 7,698,482 KWH, which returned a revenue of \$208,059.88, at an average rate of \$0.0268.

The Exhibit then proceeds to a segregation of investment and operating expenses on the basis of the number of KWH sold to each of the three groups heretofore mentioned, viz: Lamar, Alfalfa Mills, and other service, for the year 1930. During said year, a total of 4,288,117 KWH were sold. The operating expense for said year was \$62,262.15, which results in a unit cost of 1.4749 cents per KWH. Based on the number of KWH used, these figures produce the sum of \$21,002.16 for the Lamar share of said operating expenses; \$36,445.37 for the Alfalfa Mills' share of said operating expense; and \$4,814.62 as the share of other service of said operating expense.

Total transmission expense for the same year is shown as \$6,451.44. None of said expense is charged to Lamar on the theory that Lamar does not use

the transmission system, and figured upon the same basis of KWH sold, the exhibit discloses that the Alfalfa Mills should be charged \$4,559.84, and other service in the sum of \$891.60. Distribution expense for said year amounting to \$9,226.73, is all charged to Lamar. General expenses, amounting to \$4,893.51, are allocated on the basis of the number of customers in each group in proportion to the total number of customers, which results in the allocation to Lamar of \$4,274.95; Alfalfa Mills \$28.70, and other service \$589.86.

The same exhibit also allocates investment expense on the basis of kilowatt demand. This shows for the said year of 1930 that the total demand on the plant was 2500 KW, divided as follows: Lamar 660 KW, alfalfa mills 1730 KW and other service 110 KW. Taking the depreciated value of plant investment, and figuring interest at 5 per cent and depreciation at 5.5 per cent, discloses an allocation of annual capital cost of \$11,406.02 for Lamar; \$29,895.96 for the Alfalfa Mills, and \$1,900.90 for other service. Taking the depreciated value of the transmission system investment of \$72,973.68 and using the same interest charge of 5 per cent, with depreciation figured at 8 per cent, shows an annual capital cost of \$8,553.79 to the Alfalfa Mills and \$932.79 to other service. No part of this expense is allocated to Lamar. Figuring the distribution system upon a depreciated value of \$183,866.66 and using the same figures used on plant investment value, gives an annual capital cost of \$14,056.00 allocated to Lamar, no part of said cost having been segregated to Alfalfa Mills or other service.

The same system is used for the year 1934 and also for a five-year average from the years 1929 to 1933 inclusive. Upon said five-year average, we find that the total summary of annual earning requirements, consisting of capital cost and operating expense, makes a total of \$126,220.04, divided as follows: Lamar \$58,198.70, Alfalfa Mills \$60,154.90, and other service \$7,866.44. The exhibit further disclosed that the five-year average kilowatt demand for the Alfalfa Mills is 1217 KW, for Lamar 559, and for other service 84. The segregation of Alfalfa Mill business among the various companies by Defendant for the five years 1929 to 1933, inclusive, is also set up in said exhibit,

and discloses a total KWH used of 1,350,201. According to said exhibit, the actual annual cost of furnishing said current by Defendant during said period was \$60,116.56; the annual revenue was \$36,923.09, showing a loss of \$23,193.47 to Defendant for said period. The final summary of revenues and expenses segregated to service classes in said exhibit for said five-year period discloses that the entire system made a profit of \$19,875.61, Lamar showing a profit of \$31,991.32; other service showing a profit of \$11,116.10, and alfalfa mills showing a loss of \$23,231.81.

The evidence further disclosed that the plant at Lamar has a total Kilowatt capacity of 3000, two 500 KW units and one 2,000. This 2,000 KW unit was installed in 1929 and 1930, and prior to said installation the plant operated under the two 500 KW units. Witnesses testified that said 2000 KW unit was installed to enable the plant to properly take care of the demand created by the Alfalfa Mills business.

Some comparative rates made by other utilities in Colorado for power purposes, including hay mill rates, were offered in evidence, which generally discloses that Defendant's hay mill rate was considerably lower. However, no testimony was introduced to show comparable conditions between Defendant and said other utilities in the generation, distribution and sale of said power.

In the brief filed by the attorney for Complainant, it is stated:

"The sole issue under the pleadings and the evidence is: Is the Hay Mill rate discriminatory when considered in connection with other rates charged on the most nearly comparable service given by Defendant to other consumers from its system?"

The most nearly comparable rate in effect is conceded to be Defendant's "Residential Lighting and Heat Rate", and we are setting out said rate as well as the "Hay Mill Rate" for the purpose of comparison.

"RESIDENTIAL LIGHTING AND HEAT

Availability: Available to all consumers within the corporate limits of the City of Lamar for lighting, cooking, heating and refrigeration purposes at the voltage and phase of the City's distribution system. Also, available to all consumers outside the corporate limits of the City of Lamar for residential use where consumer is using an electric range having a capacity of 4000 watts or more supplanting what is now known as Combination Cooking, Lighting, Heating and Refrigeration rate. Available to all territory served to be used as a heat rate where the heating appliance has a capacity of 1500 watts or more.

RATE:	First	20 K.W.H. Used Per Month per K.W.H.	.10
	Next	30 K.W.H. Used Per Month per K.W.H.	.05
	Next	50 K.W.H. Used Per Month per K.W.H.	.03
	Next	100 K.W.H. Used Per Month per K.W.H.	.02
	Excess	Used Per Month per K.W.H.	.01

Minimum: For Lighting, small appliances, refrigeration, etc. \$1.00 per month. Where customer is using an electric range or heating appliance having a capacity greater than 1500 watts, \$2.00 per month. To all customers outside the corporate limits of the City of Lamar, \$4.00 per month.

Discount: No discount. If not paid within ten days from date of bill a deferred payment charge of 5% of total bill will be added.

Rules and Regulations: Under this schedule the City will permit 110 volt motors up to 1/4 H. P. Any appliance in excess of 1500 watts must be provided with three wire 110/220 volt service. All wiring for ranges and heating devices having a capacity in excess of 1500 watts shall be in approved steel conduit from the point of building service to the point of connection to such appliance and shall be subject to the approval of the electrical inspector. All lighting and small appliances must be fused separately from appliances in excess of 1500 watts. All services must be in steel conduit and equipped with approved meter cabinet."

"HAY MILL RATE.

Availability: Available to consumers using 150 H.P. or larger:

RATE:	First	100 K.W.H. Used Per Month per K.W.H.	.08
	Next	200 K.W.H. Used Per Month Per K.W.H.	.06
	Next	200 K.W.H. Used Per Month Per K.W.H.	.05
	Next	500 K.W.H. Used Per Month Per K.W.H.	.04
	Next	4000 K.W.H. Used Per Month Per K.W.H.	.03
	Excess	5000 K.W.H. Used Per Month Per K.W.H.	.02

Minimum: Yearly minimum, \$2,400.00. Mills using 150 H.P. motor or larger on grinder, lighting kilowatts will be added to power kilowatts.

Discount: No discount. If not paid within ten days from date of bill, a deferred payment charge of 5% of total bill will be added."

It will be noted that under the Residential Lighting and Heat "Rate" the rate is .01 cent per month per K.W.H. for all current in excess of 200 K.W.H., while under the "Hay Mill Rate" the excess over 1000 K.W.H. and up to 5000 K.W.H. the rate is .03 cents per month per K.W.H., and all excess over 5000 K.W.H. is charged for at the rate of .02 cents per K.W.H. per month, or double the Lighting and Heat Rate in the lower brackets.

Defendant maintains that the alfalfa mill service can in no way be compared to a residential or domestic service, because of the comparative demands of the mills upon the plant as compared with the individual domestic

service or small user, it being pointed out that the average demand for domestic service use is only $1\frac{1}{2}$ KW, and the load factor required to reach the lowest step of the bracket is 18.3%, whereas the average demand of the Alfalfa Mills is 270 KW, and the load factor required to reach the lowest step of the bracket is 2.1%. (See Exhibit No. 7) Complainant does not question the authority of Defendant to classify its various forms of service, but does contend that as far as the Hay Mill Rate is concerned the classification is not upon a reasonable basis. This basis, of necessity, must be founded upon the cost to the utility of furnishing the various classes of service to the end that each class contributes its proportionate amount of income that results in a fair return to the utility upon its invested capital. It is also true that "equality of treatment does not mean identity of treatment, and different classes of consumers may properly be charged on a different basis without working any unlawful preference or discrimination." Frazer Vs. Pueblo, (1935) 10 P.U.R. (N.S.) 357.

The various factors involved in the furnishing of electric current for residential lighting and heat, as compared with the factors involved in the furnishing of power in the operation of the alfalfa mills, are so varied that an actual comparison of the scale of rates proposed for each class of service, does not of itself present much aid in determining whether or not actual discrimination exists. The various questions of production cost, consumers cost, demand factor, load factor and diversity factor, must all be taken into consideration, and the burden of proving the discriminatory character of rates is upon the party complaining against them.

"The burden of proving unlawful discrimination rests with the party asserting it." Western Theatre and Electric Co. v. Pacific Teleph. Teleg. Co. (1934) 6 P.U.R. (N.S.) 14.

We will not enter into a detailed discussion of all these various factors for the reason that if the methods used in arriving at the figures reached in said Exhibit No. 4 are correct, said exhibit discloses beyond question that the so-called "Hay Mill Rate" is not discriminatory as compared with other classes of service rendered by Defendant. In fact, if we accept

said exhibit as entirely correct, no other conclusion can be reached than that the Hay Mill Rate has been too low. Nothing in the record discloses that the system adopted by Defendant's engineer in preparing said Exhibit No. 4 is not correct from engineering and generally accepted standards. However, on the part of complainants, some facts have been introduced which might raise a doubt as to the absolute correctness of the results shown in said Exhibit 4. For instance, the annual reports filed by Defendant with the Commission during the period 1930 to 1934, inclusive, disclose an entirely different picture than that shown by Exhibit 4, said reports showing annual profits each year in excess of the total profit shown in Exhibit 4 for the entire five-year period.

It was further disclosed that during said period the Defendant, out of operating income, had paid off approximately \$240,000.00 of its bonded indebtedness. It is true that Defendant did not set up any depreciation reserve, and undoubtedly the money which was used to pay off its bonded debt, or at least a portion thereof, should have been set aside in a depreciation account. The book value figures given by Defendant's witness in Exhibit 4 were questioned by Complainant, but outside of one item of approximately \$11,000.00 (which Defendant's engineer admitted was of little or no value), no definite evidence was before us to the effect that said values are not approximately correct. We believe those values are undoubtedly somewhat excessive, and particularly do we believe that even though said plant has been kept at a high standard of operating efficiency, more depreciation has occurred than is shown in said Exhibit, but even though this be true, said values would have to be decreased so materially in order to affect the position of the Alfalfa Mills as to earning requirements that to our mind, upon the record, this question of value does not become material. It should be noted in this connection that no allowance has been made in Exhibit No. 4 for going concern value and working capital, both of which items are universally recognized as being properly included in arriving at a fair value of a plant for rate-making purposes.

The point is also made that Defendant acted unwisely in increasing its plant capacity to take care of the Hay Mill demand, and that Hay Mills should not be charged with this expense, but we cannot find from the record as a whole that this position of complainant is justified.

"Discrimination is a question of fact to be determined by the Commission in the exercise of its administrative function, not arbitrarily but in the light of all relevant circumstances." Western Theatre and Electric Co. v. Pacific T. & T. Co., supra.

The record further discloses that a number of reductions have been made by Defendant in its rates to domestic consumers during the five-year period in question, and that only one small reduction in the higher brackets was given to the Hay Mill customers.

Numerous other matters are discussed by parties in their briefs, but we believe no good purpose would be served by going into same in detail, as in our judgment the ultimate conclusion that must be reached in the instant case could not be affected by a consideration of said matters. Exhibit 4 remains undisputed in its main details. No evidence has been introduced to disprove the soundness of the manner and method in which said exhibit has been prepared, and while we have some doubt as to the correctness of certain conclusions that may be drawn from its figures, yet in a case of this kind, as we have heretofore pointed out, the burden of proof is upon Complainant to show by a fair preponderance of the evidence the discrimination complained of. We might point out, however, that numerous utilities in the past few years have found it good business to reduce rates in practically all classes of service by the use of promotional rates and other methods designed to give the customer a greater service at a reduced cost, and such efforts have proven to be beneficial to the utility in its net revenue results. We cannot conceive that Defendant does not desire the business of the Hay Mill, and we suggest to Defendant that every effort be made to foster and encourage use of its current at rates that will permit industry to thrive and expand, as well as insure Defendant a fair rate of return. We have no doubt that the cost of power to the Hay Mills under the present set-up is burdensome, and if the record justified such action on our part, we would be only too ready to grant relief. We believe that in fixing utility rates the value of service to consumer, ability of consumer to pay and prevailing economic conditions are to be considered, together with all other pertinent and relative factors. (Town of Springfield v. Highland Utilities Co., 10 P.U.R. (N.S.) 390.) These factors have been considered in arriving at our final conclusion in this case.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that in the instant case no discrimination has been shown between the so-called "Hay Mill Rate" and other classes of service involving similar or equal burden and expense to Defendant.

We are further of the opinion, and so finds, that upon the record it has not been shown that Defendant is receiving more than a fair rate of return on its invested capital in used and useful property, and therefore the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same is hereby, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Turner

W. C. Danks

Walter E. Fulton
Commissioners.

Dated at Denver, Colorado,
this 10th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF A GENERAL INVESTIGATION)
OF THE FREIGHT RATES, AND CLASSIFICATION)
OF FREIGHT, OF ALL COMMON AND PRIVATE)
MOTOR VEHICLE CARRIERS.)

CASE NO. 1585

October 10, 1936

S T A T E M E N T

BY THE COMMISSION:

On February 5, 1936, by Decision No. 7118, the Commission entered its order prescribing rates, charges, classification and exceptions thereto, for all motor vehicle common carriers and all private carriers by motor vehicle competing with any such motor vehicle common carrier or carriers, to become effective April 1, 1936. Prior to the effective date certain portions of its order were suspended and set for further hearing. On various dates additional orders have been issued to give effect to the respective findings made and conclusions reached in the various statements, the last order entered in the said proceeding being made on September 21, 1936, Decision No. 8396, wherein rates were prescribed on various commodities, among which were lumber and lumber articles fully described in Sections 7 and 8, Appendix M, of said Decision.

On October 9, 1936, the Motor Truck Common Carriers' Association, Inc., the Weicker Transportation Company, Inc., the Northeastern Motor Freight Company, Inc., the Larson Transportation Company, and the Consolidated Motor Freight, Inc., by and through its representative and agent, Zene D. Bohrer, filed a protest and petition for rehearing rela-

tive to the prescribed rates on lumber and lumber articles as described in Sections 7 and 8 of Appendix M of said Decision No. 8396, and requested the suspension of said rates pending the further hearing.

On further consideration of the record as made, and the instant petition, the Commission is of the opinion and so finds that the prescribed rates should be suspended and a further hearing held relative to that portion of its order dealing with lumber and lumber articles as described in Sections 7 and 8, and the rates set forth under Column F, Appendix M, of said Decision No. 8396.

O R D E R

IT IS THEREFORE ORDERED, That the petition for rehearing filed herein by the Motor Truck Common Carriers' Association, Inc., the Weicker Transportation Company, Inc., the Northeastern Motor Freight Company, Inc., the Larson Transportation Company, and the Consolidated Motor Freight, Inc., be and the same is hereby granted.

IT IS FURTHER ORDERED, That the effective date of the rates set forth under Column F and the commodities described in Sections 7 and 8 of Appendix M of Decision No. 8396, be, and the same is, hereby suspended, and that the use of the said rates be deferred one hundred twenty (120) days, or until the 9th day of February, 1937, unless otherwise ordered by the Commission.

IT IS FURTHER ORDERED, That this proceeding be and the same is hereby set for further hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at 10:00 o'clock A. M. on November 19, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. C. Danks
Walter Smith
Commissioners

Dated at Denver, Colorado,
this 10th day of October, 1936

CNR

(Decision No. 8551)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN RE NOTICE OF ABANDONMENT BY THE)
COLORADO AND SOUTHERN RAILWAY COM-)
PANY OF SPUR TRACK BETWEEN THE TOWN) APPLICATION NO. 3509
OF SUPERIOR AND THE CROWN MINE IN)
BOULDER COUNTY, COLORADO.)

October 8, 1936.

S T A T E M E N T

By the Commission:

On August 31, 1936, The Colorado and Southern Railway Company filed with the Commission copies of its notice of abandonment of spur track leading from the town of Superior to the Crown Mine in Boulder County, Colorado, including the side tracks thereon at said mine. The total length of said trackage, including side tracks, is 10616 feet, and same is located in said Boulder County in Sections 13, 14 and 24, Township 1 South, Range 70 West of the Sixth P. M.

Notices of said application to abandon were mailed by the Commission to the Mayor of the town of Superior, Crown Fuel Company and the Board of County Commissioners of Boulder County on September 2, 1936.

The Town of Superior, through the Town Clerk, has filed a written communication with the Commission, in which it is alleged that said town has no interest in said abandonment and that same will not be harmful to the town. No replies have been received from the Crown Fuel Company or the Board of County Commissioners of Boulder County objecting to said abandonment.

It appears from the record that said Crown Mine has been abandoned for a long period of time and that no other industries are located on said spur track. Applicant desires to dispose of the right-of-way on which said track is located.

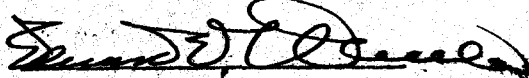
As no protests have been filed, the Commission is of the opinion and so finds, that said abandonment should be authorized upon the record and without formal hearing.

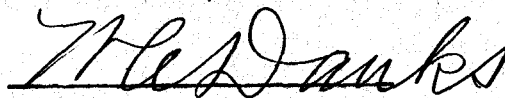
O R D E R


IT IS THEREFORE ORDERED, That The Colorado and Southern Railway Company be, and it is hereby, authorized to abandon and remove that certain spur track 10616 feet in length, including all side tracks, extending from the town of Superior in Boulder County to the Crown Mine, and being located in Sections 13, 14 and 24 in Township 1 South, Range 70 West of the Sixth P. M., in Boulder County, Colorado.

IT IS FURTHER ORDERED, That this order shall become effective on the day of the date hereof.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 8th day of October, 1 36.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE MOTOR)
VEHICLE OPERATIONS OF F. H.)
LANG, PRIVATE PERMIT NO. A-453.)

CASE NO. 1838

October 18, 1936.

S T A T E M E N T

By the Commission:

The records of the Public Utilities Commission of the State of Colorado show that respondent, F. H. Lang, now is, and at all times since November 23, 1935, has been, a private carrier by motor vehicle engaged in the business of transporting freight of others for hire between Denver and Longmont, Colorado, and intermediate points, under and by virtue of Permit No. A-453, issued on May 10, 1933, to one F. W. Sullivan and transferred to respondent under authority of the Commission on November 23, 1935, in Application No. 2604-PP-A.

The records of the Commission further show that at all times herein mentioned, The McKie Transfer Company, a corporation, was and is a duly authorized common carrier by motor vehicle engaged in the transportation of freight between Denver and Longmont, Colorado, under and by virtue of a certificate of public convenience and necessity issued on July 8, 1925, in Application No. 423, Decision No. 855.

That in Case No. 1535, entitled "In the Matter of a General Investigation of the Freight Rates and Classification of Freight of all Common and Private Motor Vehicle Carriers," the Commission entered its orders and decisions dated and numbered: February 5, 1936, Decision No. 7118; March 25, 1936, Decision No. 7419; May 21, 1936, Decision No. 7651; June 26, 1936, Decision No. 7751; July 8, 1936, Decision No. 7994; July 17, 1936, Decision No. 8009; and August 20, 1936, Decision No. 8299, respectively, prescribing the maximum and minimum rates, charges, classifications, exceptions to the classifications, rules and

regulations to be published, applied, charged, maintained and collected by all motor vehicle common carriers operating in the State of Colorado in intrastate commerce, and the minimum rates, charges, classifications, exceptions to the classifications, rules and regulations to be charged and collected by all "private carriers by motor vehicle" competing with duly authorized motor vehicle common carriers and rendering substantially the same or similar service.

That respondent had due and sufficient notice of all proceedings had in said Case No. 1585, and of all the aforesaid orders and decisions made, entered and filed therein.

That at all times herein mentioned, the respondent, F. H. Lang, engaged in the business of transporting freight for hire under and by virtue of said private permit has been, and now is, competing with the said McKie Transfer Company, a corporation, in the business of transporting freight for hire between Denver and Longmont, Colorado, in intrastate commerce, and is rendering substantially the same or similar service.

That since the 1st day of April, 1936, the respondent, F. H. Lang, has failed, refused, and neglected to comply with the aforesaid orders of the Commission heretofore made and entered in said Case No. 1585, in the following particulars, to-wit: That said respondent has repeatedly and persistently charged and collected rates and charges for the transportation of freight between Denver and Longmont, Colorado, for the consignors and consignees served by him, which were and are less than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission in said Case No. 1585, as the minimum rates, charges classifications, exceptions, rules and regulations to be charged by all private carriers by motor vehicle competing with duly authorized motor vehicle common carriers and rendering substantially the same or similar service; and that a bill of particulars thereof will be furnished upon demand.

That the records of the Commission disclose that respondent has failed, refused, and neglected to file with the Commission a written statement, under oath, upon forms supplied by the Commission, of the names and addresses

of all persons, firms, and corporations with whom respondent has special contracts of transportation, together with duplicate copies of such contracts, or a statement or memorandum of the terms thereof, as required by Rule 10 of the Rules and Regulations of the Commission governing Private Carriers for Hire by Motor Vehicle, Second Revised General Order No. 42, effective September 1, 1936. ✓

That since the 1st day of April, 1936, the respondent, F. H. Lang, and through his agents, servants, and employees, has and now does own, operate, manage, and control motor trucks in the business of indiscriminately picking up, discharging, and transporting the property of others for hire as a "motor vehicle carrier", as said term is defined by Section 1 (d) of Chapter 134, Session Laws of 1927, as amended, over the public highways of the State of Colorado, between fixed points and over established routes as a common carrier, without first, or at all, having obtained a certificate of public convenience and necessity authorizing him to operate as a motor vehicle common carrier as provided and required by Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, and in violation of and in excess of the authority granted in said private permit issued under and by virtue of the provisions of Chapter 120, Session Laws of 1931, as amended, by indiscriminately accepting, discharging, and transporting freight and property of the general public for hire over the public highways of this state without lawful authority as aforesaid. ✓

The Commission is of the opinion, and so finds, that a complaint against the respondent, F. H. Lang, should be instituted on its own motion, and that a hearing and investigation be entered into to determine if said respondent has violated the provisions of Chapter 120, Session Laws of 1931, as amended, and the Rules, Regulations, and Orders of the Commission, by transporting the property of others for hire between Denver and Longmont, Colorado, at rates which were and are less than the rates, charges, classifications, exceptions, rules and regulations prescribed by the Commission in Case No. 1585 to be charged and collected by all private carriers by motor vehicle subject to such orders; if said

respondent has failed, refused and neglected to file the statement of customers and contracts as required by Rule 10 of the Rules and Regulations of the Commission, effective September 1, 1936; and if said respondent has exceeded his authority by operating as a "motor vehicle carrier" without first having obtained a certificate of public convenience and necessity as required by Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, in the manner and in the particulars aforesaid.

O R D E R

IT IS THEREFORE ORDERED by the Commission, on its own motion, that a complaint be, and is hereby, instituted against the respondent, F. H. Lang, and that an investigation and hearing be entered into to determine if said respondent has violated the provisions of Chapter 120, Session Laws of 1931, as amended, Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, and the Rules, Regulations and Orders of the Commission, in the manner and in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within fifteen (15) days from this date, why it should not enter an order revoking or suspending the aforesaid private permit No. A-453, now held by respondent, on account of the aforesaid violations of the law and the Rules, Regulations, and Orders of the Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and is hereby, set down for hearing before the Commission in its Hearing Room, 330 State Office Building, Denver, Colorado, at ten o'clock A. M., on the 18th day of November, A. D. 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien

W. C. Danks

Walter E. Eason

Commissioners

Dated at Denver, Colorado,
this 16th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE NO COPY

IN THE MATTER OF THE MOTOR VEHICLE)
OPERATIONS OF JOHN SHULL, DOING BUSI-)
NESS AS JOHN SHULL TRUCK LINE, PRIVATE)
PERMIT NO. A-630; JOHN SHULL, DOING)
BUSINESS AS C & S TRUCK LINE, PRIVATE)
PERMIT NO. A-693; AND J. N. SHULL,)
DOING BUSINESS AS JOHN'S TRUCK LINE,)
PRIVATE PERMIT NO. A-839.)

CASE NO. 1839

October 16, 1936.

S T A T E M E N T

By the Commission:

The records of the Public Utilities Commission of the State of Colorado show that respondent, John Shull, also known as J. N. Shull, now is, and at all times since May 14, 1934, has been, engaged in the business of transporting the freight of others for hire under and by virtue of the following private permits granting the authority hereinafter specified:

(1) Private permit No. A-630, issued on March 15, 1934, to one William Wolverton, authorizing motor vehicle private carrier operations "between Denver and Breckenridge (Colorado) and intermediate points, via Colo. 8 and Colo. 9, and between Denver and Colorado-Wyoming state line and intermediate points, via U. S. 85"; and that said permit was, on April 24, 1934, extended to permit service between Denver and Gunnison and intermediate points over routes 8, 4, 82, and U. S. 50; and that on May 8, 1934, said permit was extended from Breckenridge to Dillon via Highway No. 9 and from Dillon to Leadville via Highway No. 91; and that on May 31, 1935, in Application No. 2552-PP, Decision No. 6489, said permit was transferred, with certain limitations of route, to respondent John Shull, doing business as John Shull Truck Line.

(2) Private permit No. A-693, issued on May 14, 1934, to respondent, John Shull, doing business as C & S Truck Line, authorizing motor vehicle private carrier operations "between Denver and Grand Junction and intermediate

points, via U. S. 85, Colorado Springs, and U. S. 40 S., Buena Vista U. S. 650 Salida and U. S. 50 Grand Junction, and via Divide and Colo. 67-Cripple Creek-Victor to Florence and U. S. 50 to Salida and all intermediate points."

(3) Private permit No. A-839, issued on October 3, 1934, to respondent, J. N. Shull, doing business as John's Truck Line, authorizing motor vehicle private carrier operations "between Denver and Leadville and intermediate points via either Colo.-8 - Colo.-9 - Colo. 91, or via U. S. 85 - U. S. 40 S., between Leadville and Salida and intermediate points via U. S. 40 S. and U. S. 650."

The records of the Commission further show that at all times since April 1, 1936, Robert Colman, doing business under the firm name and style of The Colman Freight Service, was and is a common carrier by motor vehicle of freight, operating under and by virtue of a certificate of public convenience and necessity issued on September 9, 1935, in Application No. 2159, Decision No. 6673, with the following authority:

"(a) Applicant's route shall be from Denver to Leadville via Morrison, Idaho Springs, and over Loveland Pass through Dillon; thence via Highway 40 south to Grand Junction. If, due to weather conditions, said route is impassable, he may operate from Denver to Leadville via Colorado Springs over Highway 85, thence over Ute Pass through Divide and Lake George over Highway 40 south, through Buena Vista; provided, however, that if the latter route is used, no transportation service shall be rendered into or out of points intermediate between Denver and Divide, Colorado.

"(b) Westbound: From Denver, Colorado, to all points west of Leadville, Colorado, to and including Grand Junction, Colorado.

"(c) Westbound: Pickup and deliver to and from Leadville, Colorado, to Grand Junction, Colorado, but specifically eliminating therefrom pickup and delivery to and from all points between Glenwood Springs, Colorado, and Grand Junction, Colorado, now covered by the service of the Rio Grande Motor Way.

"(d) Eastbound: From Grand Junction, Colorado, to and from all points to and including Leadville, Colorado, and to Denver, Colorado.

"(e) Eastbound: Pickup and deliver to and from all points between Grand Junction, Colorado, and Denver, Colorado, specifically eliminating therefrom

pickup and delivery to and from all points between Grand Junction and Glenwood Springs, now served by the Rio Grande Motor Way.

"(f) Westbound: Deliver to all points included between Glenwood Springs and Grand Junction from all points east of Glenwood Springs.

"(g) Eastbound: Pickup at all points between Grand Junction and Glenwood Springs for delivery to points east of Glenwood Springs."

And that at all times since April 1, 1936, the said Robert Coleman, doing business as aforesaid, was and is operating as a common carrier by motor vehicle between Pueblo and Grand Junction, Colorado, and all intermediate points west of Salida, Colorado, under and by virtue of a temporary certificate of public convenience and necessity granted on March 31, 1936, Decision No. 7443, in Application No. 3155, which said certificate was made permanent by order of the Commission, Decision No. 8387, dated September 14, 1936.

The records of the Commission further show that on and at all times since April 1, 1936, the Rio Grande Motor Way, Inc., was and is a common carrier by motor vehicle of freight operating between Grand Junction and Glenwood Springs, Colorado, and all intermediate points, and Grand Junction and Gunnison, Colorado, and all intermediate points, under and by virtue of several certificates of public convenience and necessity granted in Applications Nos. 1148, 1148-A, 1801 and 441, and as such common carrier by motor vehicle is engaged in the transportation of freight for hire between Denver and Gunnison, Colorado, and intermediate points, by connection and interchange of such freight with the said Robert Colman, doing business as aforesaid, over the routes hereinbefore described.

The records of the Commission further show that at all times since April 1, 1936, the Weigker Transportation Company, a corporation, was and is a common carrier by motor vehicle of freight, operating between Denver and Colorado Springs, Colorado, and all intermediate points, under and by virtue of a certificate of public convenience and necessity granted in Applications Nos. 293, 293-A, 950 and 1655.

The records of the Commission further show that at all times since April 1, 1936, the Cripple Creek, Victor and Colorado Springs Stage Company,

a corporation, was and is a common carrier by motor vehicle of freight, operating between Colorado Springs, Victor and Cripple Creek, Colorado, and intermediate points, via U. S. Highway 40 South and State Highway No. 67, under and by virtue of a certificate of public convenience and necessity granted on December 3, 1935, in Application No. 2369, Decision No. 6879, and as such common carrier by motor vehicle is engaged in the transportation of freight for hire between Denver and Cripple Creek and Victor and intermediate points west of Colorado Springs, Colorado, by connection and interchange of such freight with Weicker Transportation Company, a common carrier as aforesaid. ✓

That in Case No. 1585, entitled: "In the Matter of a General Investigation of the Freight Rates and Classification of Freight of all Common and Private Motor Vehicle Carriers", the Commission entered its orders and decisions dated and numbered February 5, 1936, Decision No. 7118; March 25, 1936, Decision No. 7419; May 21, 1936, Decision No. 7651; June 26, 1936, Decision No. 7751; July 8, 1936, Decision No. 7994; July 17, 1936, Decision No. 8009; and August 20, 1936, Decision No. 8299, respectively, prescribing the maximum and minimum rates, charges, classifications, exceptions to the classifications, rules and regulations to be published, applied, charged, maintained and collected by all motor vehicle common carriers operating in the State of Colorado in intrastate commerce, and the minimum rates, charges, classifications, exceptions to the classifications, rules and regulations to be charged and collected by all "private carriers by motor vehicle" competing with duly authorized motor vehicle common carriers and rendering substantially the same or similar service.

That respondent had due and sufficient notice of all proceedings had in said Case No. 1585, and of all the aforesaid orders and decisions made, entered and filed therein. ✓

That at all times herein mentioned, the respondent, John Shull, also known as J. N. Shull, engaged in the business of transporting freight for hire under and by virtue of said private permits, has been, and now is, (1) competing with the said Robert Colman, doing business as Colman Freight Service, and the Rio Grande Motor Way, Inc., a corporation, in the business of transporting ✓

freight for hire between Denver and Gunnison, Colorado, and intermediate points, in intrastate commerce, via the routes above enumerated, and is rendering substantially the same or similar service; (2) competing with the said Weicker Transportation Company, a corporation, in the business of transporting freight for hire between Denver and Colorado Springs, Colorado, and intermediate points, in intrastate commerce, and is rendering substantially the same or similar service; (3) competing with the said Cripple Creek, Victor and Colorado Springs Stage Company, a corporation, in the business of transporting freight for hire between Colorado Springs, Cripple Creek and Victor, Colorado, and intermediate points, in intrastate commerce, and is rendering substantially the same or similar service; and (4) competing with the said Weicker Transportation Company and the Cripple Creek, Victor and Colorado Springs Stage Company, corporations as aforesaid, in the business of transporting freight for hire between Denver and Cripple Creek and Victor, Colorado, and intermediate points west of Colorado Springs, in intrastate commerce, and is rendering substantially the same or similar service.

That since the 1st day of April, 1936, the respondent, John Shull, also known as J. N. Shull, has failed, refused, and neglected to comply with the aforesaid orders of the Commission heretofore made and entered in said Case No. 1585, in the following particulars, to-wit: That said respondent has repeatedly and persistently charged, received, and collected rates and charges for the transportation of freight between Denver and Gunnison, Colorado, and intermediate points, between Denver and Colorado Springs, Colorado, and intermediate points, between Colorado Springs and Cripple Creek and Victor, Colorado, and intermediate points, and between Denver and Cripple Creek and Victor, Colorado, and all intermediate points west of Colorado Springs, Colorado, for the consignors and consignees served by him, which were and are less than the rates, charges, classifications, exceptions, rules and regulations, prescribed by the Commission in said Case No. 1585, as the minimum rates, charges, classifications, exceptions, rules and regulations to be charged, received and collected by all private carriers by motor vehicle competing with duly authorized motor vehicle common carriers and rendering substantially the same or similar service; and that a bill of particulars thereof will be furnished upon demand.

That since the 1st day of April, 1936, the respondent, John Shull, also known as J. N. Shull, and through his agents, servants and employees, has and now does own, operate, manage and control motor vehicles in the business of indiscriminately accepting, transporting, and discharging the property of others for compensation or hire as a "motor vehicle carrier" as said term is defined by Section 1 (d) of Chapter 134, Session Laws of 1931, as amended, over the public highways of the State of Colorado, between fixed points and over established routes, without first, or at all, having obtained from the Public Utilities Commission of the State of Colorado a certificate of public convenience and necessity authorizing him to engage in the business of and operate as a motor vehicle common carrier, as provided and required by Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, and in excess of the authority granted by said private permits and in violation of the provisions of Chapter 120, Session Laws of 1931, as amended, by indiscriminately accepting, discharging, and transporting, and holding himself out to indiscriminately accept, discharge, and transport, freight and property of the general public for hire, over the public highways of this state, without lawful authority as aforesaid.

The Commission is of the opinion, and so finds, that a complaint against respondent, John Shull, also known as J. N. Shull, doing business as aforesaid, should be instituted on its own motion, and that a hearing and investigation be held to determine if said respondent has violated the provisions of Chapter 120, Session Laws of 1931, as amended, and the Rules, Regulations, and orders of the Commission, by transporting the property of others for hire between Denver and Gunnison; and intermediate points, Denver and Colorado Springs and intermediate points, Colorado Springs and Victor and Cripple Creek and intermediate points, and Denver and Cripple Creek and Victor and intermediate points west of Colorado Springs, via the routes aforesaid, at rates which were and are less than the rates, charges, classifications, exceptions, rules and regulations prescribed by the Commission in Case No. 1585 to be charged, received and collected by all private carriers by motor vehicle subject to such orders; and if said respondent has violated the terms and provisions and exceeded the authority

of his said private permits, and has violated the provisions of Chapter 120, Session Laws of 1931, as amended, Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, by engaging in the business of indiscriminately picking up, discharging, and transporting the property of others for hire as a common carrier by motor vehicle over the public highways of the State of Colorado, without first, or at all, having obtained from the Public Utilities Commission of the State of Colorado a certificate of public convenience and necessity authorizing him to operate as a "motor vehicle carrier" as provided and required by said Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, in the manner and particulars aforesaid.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, on its own motion, that a complaint be, and is hereby, instituted against the respondent, John Shull, also known as J. N. Shull, and that an investigation and hearing be entered into to determine if said respondent has violated the provisions of Chapter 120, Session Laws of 1931, as amended, and the Rules, Regulations and Orders of the Commission, and if said respondent has exceeded the authority and the terms of his said private permits, Nos. A-630, A-693, and A-839, and the provisions of said Chapter 120, Session Laws of 1931, as amended, and of Chapter 134, Session Laws of 1927, as amended, and Chapter 127, Session Laws of 1913, as amended, in the manner and in the particulars aforesaid.

IT IS FURTHER ORDERED, That said respondent show cause, if any he have, by written statement filed with the Commission within fifteen (15) days from this date, why it should not enter an order revoking or suspending the aforesaid private permits Nos. A-630, A-693 and A-839, now held by respondent, on account of the aforesaid violations of the law and the Rules, Regulations and Orders of the Commission, and why it should not enter such other order or orders as may be just and proper in the premises.

IT IS FURTHER ORDERED, That said matter be, and is hereby, set down for hearing before the Commission in its hearing room, 330 State Office Building,

Denver, Colorado, at ten o'clock A. M., on the 17th day of November, 1936, at which time and place such evidence as is proper may be introduced.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Turner

W. L. O'Neil

Wesley E. Carson

Commissioners

Dated at Denver, Colorado,
this 16th day of October, 1936.

(Decision No. 8554)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE RATES, PRACTICES, ETC., OF)
THE HOME GAS AND ELECTRIC COMPANY.)

CASE NO. 1074

October 16, 1936.

S T A T E M E N T

By the Commission:

On December 3, 1932, in Decision No. 4725, the Commission instituted a complaint and investigation on its own motion concerning the rules, practices, charges for depreciation, and the maintenance of the lines, poles and other equipment and property of respondent, The Home Gas and Electric Company, upon the complaint of some thirty-five citizens of Weld County, including the mayors and town boards of various cities and towns served by respondent company.

Thereafter, respondent filed its answer, and the matter was heard and taken under advisement.

The order and decision of the Commission, Decision No. 5803, was entered on June 20, 1934, wherein the Commission found a valuation of the property of respondent, The Home Gas and Electric Company, based upon the cost of reproduction new, less depreciation, plus going value and working capital, of \$836,075.00, the details of which are set forth in said order and decision of June 20, 1934, and ordered respondent, on or before July 16, 1934, to file with the Commission a tariff of rates which would effect a reduction in operating revenues of \$53,180.00, being the amount estimated by the Commission to be sufficient to return respondent six per cent upon the rate base found after all operating expenses had been paid.

Respondent filed its petition for rehearing on June 14, 1934, which said petition for rehearing was denied by the order and decision of the Commission dated July 28, 1934, being Decision No. 5835.

Other orders were entered in the above entitled proceeding on

1934,
August 20 and 29/ reference to which is unnecessary for the purposes
of this order.

Thereafter, on August 22, 1934, the respondent sued out a writ of review in the District Court of the City and County of Denver in an action entitled "The Home Gas and Electric Company, Plaintiff, vs. The Public Utilities Commission of the State of Colorado, Defendant", Case No. A-10525, to obtain a judicial review of the Commission's order and decision of June 20, 1934.

On June 18, 1935, the District Court of the City and County of Denver handed down its opinion in the foregoing action, confirming said findings and order of the Commission.

Thereafter, on May 21, 1936, respondent, The Home Gas and Electric Company, and the Commission, made and entered into a stipulation for the amicable disposition of this proceeding without the necessity of an appeal to the Supreme Court of the State of Colorado, which stipulation is in words and figures as follows, to-wit:

C O P Y

" Come now the above named parties by their respective attorneys and show the Court as follows:

That this matter originated with an investigation ordered by the defendant Commission on its own motion in connection with the rates of the plaintiff in and about Greeley, Colorado.

That after a long hearing a determination was made by the defendant Commission as to the valuation of the properties of the plaintiff and a certain order for the filing of new rates was entered by the defendant Commission.

That thereafter the plaintiff filed new and lower rates and same have been in force and effect for some time, and the plaintiff is voluntarily filing at this time some additional reductions in rates.

That as far as the parties hereto are advised there is no present complaint relative to the rates of the plaintiff. That while the plaintiff is not objecting to the present rate schedule it feels that the decision of the Commission upon the rate base, and particularly upon the amount of depreciation found, was too low and was contrary to the law as the plaintiff has alleged before this Court.

That the plaintiff feels constrained to appeal the valuation decision to the Supreme Court of the State unless some fair means can be found to avoid that procedure.

" That the expense of an appeal will be considerable and will ultimately be borne by the rate-payer or customers of the plaintiff.

That the defendant Commission feels that there is some doubt as to some element of its former decision, and that there may be serious legal questions involved, and that apparently there is no need now of determining such matter.

That the Commission feels it has accomplished the chief purpose of its original investigation by obtaining for the customers of the plaintiff substantially lower rates and that the matter of the actual valuation of the company's property is apparently now a moot and may remain that way for a long time.

That the Commission feels that it is sufficiently protecting the public interests in now agreeing that the actual valuation previously made may be set aside with the understanding that if at any time there shall be any need for a rate investigation or a determination of the valuation of the properties of the company all of the evidence taken at the former hearing may be considered as the basis for any new determination of the value at that time so that there will be no need of a hearing as to the conditions at the time of the said original valuation.

In consideration of the above recitals and conditions the parties hereby stipulate and agree as follows:

✓ 1. That the valuation of the property of the plaintiff as determined by the defendant Commission pursuant to its order of August 20, 1934, also known as its Decision No. 5862, shall be and hereby is set aside insofar as the same finds or makes a determination of the values of the properties, plant or system of the plaintiff.

2. That the setting aside of the valuation basis for the said order of August 20, 1934, shall never be urged by the plaintiff as a reason for the invalidity of the rates filed pursuant to said order but said rates shall be considered as having been filed voluntarily by the plaintiff and as having been accepted by the plaintiff at the time of filing and since as fair and reasonable.

3. That the Clerk of the District Court shall be instructed, pursuant to this stipulation and the approval thereof by the Court, to return to the defendant Commission the record in this case and all of the exhibits and all of the documents forwarded to the Court by the defendant Commission.

✓ 4. That said records, transcript of evidence, exhibits and other papers shall be held by the Commission, and if at any time in the future there arises before the Commission the necessity of determining the valuation of the properties of the company as of the time determined by the said order of August 20, 1934, then, and in that event, the said evidence, exhibits and proceedings shall be considered as being re-submitted to the Commission and a determination as of that time shall be made by the Commission upon the evidence, exhibits and proceedings thus had

and without the right of the plaintiff or any other party to introduce any ~~further~~ evidence relative to the value as of that date, unless the Commission at the time of such further consideration of the matter may itself order a procedure in a different way; it being the purpose of this stipulation to bind the plaintiff to submit at any time in the future when it becomes necessary to a determination of a valuation of its plant as of the time determined in connection with the order of August 20, 1934, upon the evidence then before the Commission.

5. That the decision and opinion of this Court approving the findings of the Commission relative to the valuation of the properties of the plaintiff shall be withdrawn and set aside as far as the valuation of the properties is concerned.

6. That this case before the District Court shall be dismissed with prejudice, and the plaintiff waives any and all right to an appeal from the decision of this Court.

7. That this stipulation shall constitute not only a stipulation for the disposition of the pending case in the District Court but shall constitute an agreement between the plaintiff and the defendant Commission relative to the determination of the valuation of the property of the plaintiff (at the time covered by the evidence) if at any time under any circumstances in the future it becomes necessary for the defendant Commission to fix the valuation of the properties of the plaintiff, and if the Commission at that time desires to make a determination of the value of the properties at the time covered by the evidence based entirely upon that evidence, and then bring said valuation up to date by further evidence covering additions and betterments since the period covered by said evidence.

This stipulation and agreement is entered into in triplicate this 21st day of May, 1936.

THE HOME GAS AND ELECTRIC COMPANY

By Erl H. Ellis
Its Attorney.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By: Edward E. Wheeler

W. C. Danks

Malcom Erickson

Commissioners.

Said stipulation being clarified on September 23, 1936, by

subsequent stipulation, which is in words and figures as follows, to-wit:

"IT IS HEREBY STIPULATED AND AGREED by and between counsel for the parties hereto that the stipulation heretofore entered into between the parties to this action

under date of May 21st, 1936, is hereby amended as follows: That wherever reference is made in said stipulation to the order of the Commission of August 20, 1934, Decision No. 5862, it is hereby understood that the Commission's order of June 20, 1934, Decision No. 5803 was intended.

"DATED at Denver, Colorado, this 23rd day of September, A. D. 1936.

THE HOME GAS AND ELECTRIC COMPANY

By: Erl H. Ellis
Its Attorney.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

By Richard E. Conour
Its Attorney. "

And it appearing to the Commission that, pursuant to said stipulation, the District Court of the City and County of Denver did, on May 29, 1936, enter its order in the above mentioned proceeding, setting aside the decision, opinion, findings, conclusions, and judgment of the Court therein; dismissing said writ of review with prejudice; remanding the record in said case and all of the exhibits and documents filed therein to the Commission;

And it further appearing to the Commission that the respondent has published further reductions of its rates, and the Commission is of the opinion and so finds that its order of June 20, 1934, has, in all respects, been complied with;

And the Commission is further of the opinion and so finds that the portion of its said order and decision of June 20, 1934, Decision No. 5803, wherein the value of respondent's property for rate making purposes was found to be the sum of \$836,075.00, should be vacated, set aside, and held for naught, in compliance with the terms and provisions of the foregoing stipulation, without prejudice to the Commission, the respondent, or any interested parties to reopen said case and determine the value of respondent's property for rate making purposes upon the evidence and record herein, or further evidence covering additions and betterments since the period covered by the evidence heretofore taken, as provided in said

stipulation.

O R D E R

IT IS THEREFORE ORDERED, by the Commission, that, pursuant to the aforesaid stipulation, that portion of our order and decision dated June 20, 1934, Decision No. 5803, wherein the value of respondent's property for rate making purposes is fixed, determined and established to be the sum of \$836,075.00, be, and the same is hereby, set aside and vacated and held for naught; Provided, however, that nothing herein contained shall be construed as vacating the order part of Decision No. 5803, it being the intention and purpose of this order to vacate only the findings of fact hereinbefore referred to.

IT IS FURTHER ORDERED that the Commission does hereby retain jurisdiction to enter such further order or orders in the premises, based upon the evidence hereinbefore received and taken, or upon such further and additional evidence covering additions and betterments since the period covered by the record herein, or such other evidence as the Commission may consider relevant, competent and material in entering such further order or orders herein.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Connell

W. L. Danks

William F. Hill

Commissioners.

Dated at Denver, Colorado,
this 16th day of October, 1936.

8/16/37
✓

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHERN COLORADO POWER COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO EXERCISE RIGHTS) APPLICATION NO. 3535
UNDER A FRANCHISE FOR WHICH AN APPLI-)
CATION IS NOW PENDING BEFORE THE)
BOARD OF TRUSTEES OF THE TOWN OF)
FOWLER, IN OTERO COUNTY, COLORADO.)

October 17, 1936.

Appearances: Devine, Preston and Storer, Esqs.,
Pueblo, Colorado, attorneys for
applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of Trustees of the Town of Fowler, Otero County, Colorado, in and by Ordinance No. 132.

On October 6, 1936, there was passed by the Board of Trustees and approved by the Mayor of the Town of Fowler, said Ordinance No. 132, granting to the applicant, its successors and assigns, a franchise -

"TO FURNISH THE TOWN OF FOWLER AND ITS INHABITANTS, ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES TO WHICH THE SAME MAY BE APPLICABLE, AND TO ERECT AND MAINTAIN A PLANT AND SYSTEM THEREFOR, AND GRANTING A RIGHT OF WAY OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID TOWN FOR THE ERECTION OF POLES AND WIRES THEREFOR."

The term of said franchise is for a period of twenty-five years from and after its passage and approval.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado and doing business as a public utility; that the principal office and postoffice address of applicant is in the city of Pueblo, Colorado. Generally, it is authorized and empowered by the State of Colorado to engage in the business of generating

electric energy and in transporting such energy by means of transmission and distribution lines for heat, light, power and other purposes, directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the town of Fowler, which has a population of approximately 968; that applicant at the present time has approximately 390 customers in said town and has heretofore been supplying the inhabitants thereof with electricity for illuminating, heating, power and other purposes, by its generating plants and distribution system.

No objection to the application has been filed or made, and it appears from the record and the evidence that the public convenience and necessity require the proposed operation of applicant.

The evidence further disclosed that the actual investment in the system serving the town of Fowler is approximately \$100,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record and the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Fowler, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Fowler, Colorado, in Ordinance No. 132, 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 its rate schedule, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records

of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. [Signature]

W. L. Spinks

Macdonald [Signature]

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
SOUTHERN COLORADO POWER COMPANY FOR)
A CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY TO EXERCISE RIGHTS)
UNDER A FRANCHISE FOR WHICH AN APPLI-)
CATION IS NOW PENDING BEFORE THE)
BOARD OF TRUSTEES OF THE TOWN OF)
MANZANOLA, OTERO COUNTY, COLORADO.)

APPLICATION NO. 3536

October 17, 1936.

Appearances: Devine, Preston and Storer, Pueblo, Colorado,
attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of Trustees of the Town of Manzanola, Otero County, Colorado, in and by Ordinance No. 104.

On October 5, 1936, there was passed by the Board of Trustees and approved by the Mayor of the Town of Manzanola, said Ordinance No. 104, granting to the applicant, its successors and assigns, a franchise -

"TO FURNISH THE TOWN OF MANZANOLA, AND ITS INHABITANTS, ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES, TO WHICH THE SAME MAY BE APPLICABLE, AND TO ERECT AND MAINTAIN A PLANT AND SYSTEM THEREFOR, AND GRANTING A RIGHT OF WAY OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID TOWN FOR THE ERECTION OF POLES AND WIRES THEREFOR."

The term of said franchise is for a period of twenty-five (25) years from and after its passage and approval.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado and doing business as a public utility; that the principal office and postoffice address of applicant is in the city of Pueblo, Colorado. Generally, it is authorized

and empowered by the State of Colorado to engage in the business of generating electric energy and in transporting such energy by means of transmission and distribution lines for heat, light, power and other purposes, directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the Town of Manzanola, which has a population of 578; that applicant at the present time has approximately 224 customers in said town, and has heretofore been supplying the inhabitants thereof with electricity for illuminating, heating, power and other purposes, by its generating plants and distribution system.

No objection to the application has been filed or made, and it appears from the record and the evidence that the public convenience and necessity require the proposed operation of applicant.

The evidence further disclosed that the actual investment in the system serving the town of Manzanola is approximately \$58,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record and the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Manzanola, Colorado.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Manzanola, Colorado, in Ordinance No. 104, 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 its rate schedule, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its

practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Jones

W. E. Danks

William E. Jones
Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1936.

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(Decision No. 8557)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN COLORADO POWER COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO EXERCISE)
RIGHTS UNDER A FRANCHISE FOR WHICH)
AN APPLICATION IS NOW PENDING BEFORE)
THE BOARD OF TRUSTEES OF THE TOWN)
OF SWINK, IN OTERO COUNTY, COLORADO.)

APPLICATION NO. 3537

October 17, 1936.

Appearances: Devine, Preston and Storer, Esqs., Pueblo,
Colorado, attorneys for applicant.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of Trustees of the Town of Swink, Otero County, Colorado, in and by Ordinance No. 65.

On October 5, 1936, there was passed by the Board of Trustees and approved by the Mayor of the Town of Swink, said Ordinance No. 65, granting to the applicant, its successors and assigns, a franchise -

"TO FURNISH THE TOWN OF SWINK AND ITS INHABITANTS, ELECTRICITY FOR ILLUMINATING, HEATING, POWER AND ALL OTHER PURPOSES TO WHICH THE SAME MAY BE APPLICABLE, AND TO ERECT AND MAINTAIN A PLANT AND SYSTEM THEREFOR, AND GRANTING A RIGHT OF WAY, OVER, UPON, ALONG, UNDER AND ACROSS THE STREETS, ALLEYS AND PUBLIC PLACES OF SAID TOWN FOR THE ERECTION OF POLES AND WIRES THEREFOR."

The term of said franchise is for a period of twenty-five (25) years from and after its passage and approval.

The evidence disclosed that applicant is a corporation, duly organized and existing under and by virtue of the laws of the State of Colorado, and doing business as a public utility; that the principal office and postoffice address of applicant is in the city of Pueblo, Colorado. Generally, it is authorized and empowered by the State of Colorado to engage in the business of generating

electric energy and in transporting such energy by means of transmission and distribution lines for heat, light, power and other purposes, directly to consumers or wholesalers.

It was further disclosed that no other utility is now serving the Town of Swink, which has a population of 418; that applicant at the present time has approximately 113 customers in said town, and heretofore has been supplying the inhabitants thereof with electricity for illuminating, heating, power and other purposes by its generating plants and distribution system.

No objection to the application has been filed or made, and it appears from the record and the evidence that the public convenience and necessity require the proposed operation of applicant.

The evidence further disclosed that the actual investment in the system serving the Town of Swink is approximately \$29,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record, and the evidence, the Commission is of the opinion, and so finds, that the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Town of Swink, Colorado.

O R D E R

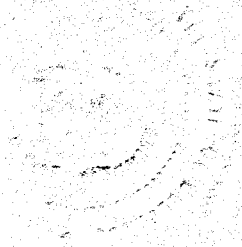
IT IS THEREFORE ORDERED, That the public convenience and necessity require the exercise by applicant of the franchise rights granted to it by the Board of Trustees of the Town of Swink, Otero County, Colorado, in Ordinance No. 65, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its

practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward J. O'Brien

W. L. Sacks

Walter Smith

Commissioners.

Dated at Denver, Colorado,
this 17th day of October, 1936.

CONTROL
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ANTHONY SMITH FOR A PERMIT TO OPERATE) APPLICATION NO. 3587-PP
AS A CLASS B PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

October 19, 1936.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B intrastate private carrier by motor vehicle for hire, for the transportation of beets from fields within a radius of 50 miles of Denver to dumps in said area, and coal from mines in the northern Colorado coal fields to Denver and points within a radius of 50 miles thereof.

Inasmuch as The Motor Truck Common Carriers Association and The Colorado Trucking Association have indicated that they have no objection to the issuance of permits of the character herein sought without a hearing, the Commission has determined to hear said matter upon the application of applicant without notice or formal hearing.

After a careful consideration of said application, the Commission is of the opinion, and finds that said permit should issue.

O R D E R

IT IS THEREFORE ORDERED, That Anthony Smith should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of beets from fields within a radius of fifty miles of Denver to dumps in said area, and coal from mines in the northern Colorado coal fields to Denver and points within a radius of fifty miles thereof.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become

effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deane

W. C. Danks

Walter S. Sisson

Commissions.

Dated at Denver, Colorado,
this 19th day of October, 1936.

CONTROL *JA*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BEN ADAMS AND AUSTIN BROTHERS)
FOR CANCELLATION OF PRIVATE)
PERMIT NO. A-526.)

PRIVATE PERMIT NO. A-526

October 26, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a written request signed by Ben Adams and Austin Brothers to cancel the above permit.

It appears from said request that the said Ben Adams, now the holder of said permit, has sold his milk route and truck to the said Austin Brothers and is retiring from the business of transporting milk and cream in the territory and over the route authorized in said permit. Said sale was made to Austin Brothers, who are the holders of a certificate of public convenience and necessity authorizing the transportation of milk and cream in the same territory heretofore served by Ben Adams under said private permit.

After a careful consideration of said request, the Commission is of the opinion, and so finds, that same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That private permit No. A-526 be, and the same is hereby declared cancelled, effective as of September 24, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

Wm. E. Spivey
Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

* * *

IN THE MATTER OF THE APPLICATION)
OF MILES F. RUMGAY FOR A PERMIT)
TO OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3527-PP

October 26, 1936.

Appearances: Vasco Seavey, Esq., Pueblo, Colorado,
for applicant;
A. J. Fregeau, Denver, Colorado,
for Jackson Transfer and The Motor
Truck Common Carriers Association;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association,
Jos. H. Lee, Ben Tillotson, Fowler
Truck Line and Manzanola Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks a Class B permit, which as limited by the evidence offered at the hearing, would authorize him to transport farm products (except live stock) from farms within the area extending 20 miles north and 10 miles south, east and west of Fowler, to the nearest market or loading point in said area.

There was no objection to the issuance of the permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds that said application should be granted.

O R D E R

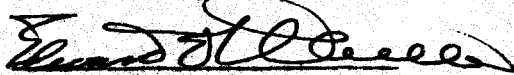
IT IS THEREFORE ORDERED, That Miles F. Rungay should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm products (except live stock) from farms within the area extending 20 miles north and 10 miles south, east and west of Fowler, Colorado, to the nearest market or loading point in said area.


IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become


effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 26th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
AUTO RENTAL SERVICE, INC., DOING)
BUSINESS AS ALMA-DENVER BUS LINES,)
TO TRANSFER CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY TO ALMA-)
DENVER BUS LINES, INC.)

APPLICATION NO. 2309-A

October 23, 1936.

S T A T E M E N T

By the Commission:

In Application No. 2309, Decision No. 6642, Auto Rental Service, Inc., doing business as Alma Denver Bus Lines, was granted a certificate of public convenience and necessity for the operation of a motor vehicle system for the transportation of passengers and light express between Alma and Denver and certain intermediate points therein mentioned. Subsequently said order was modified or the authority therein granted extended to include the transportation of express in shipments of not to exceed 300 pounds, more particularly set forth in Decision No. 6882 of date December 6, 1935.

Said Auto Rental Service, Inc., now seeks authority to transfer the certificate therein granted, P.U.C. No. 762, as amended, to Alma Denver Bus Lines, Inc., a Colorado Corporation.

It appears from the verified application for said authority that said Auto Rental Service, Inc., has no valid outstanding indebtedness involving the operation of the rights herein sought to be transferred, and that said Alma Denver Bus Lines, Inc., a corporation, agrees to assume and pay any valid indebtedness which may be outstanding against said Auto Rental Service, Inc., arising out of said operation; that the assets of said transferee exceed its liabilities by \$2,915.00; that the Commercial Standard Insurance Company, which has insured the Alma Denver Bus Line, served notice of the cancellation of its insurance policies, effective at noon October 21, 1936, but is willing to insure the Alma Denver Bus Lines, Inc., if said transfer be authorized.

In view of the fact that the operation under P.U.C. 762 aforesaid will be without insurance after October 21, 1936, and it is imperative that all passenger common carrier operations be adequately insured, the Commission is of

the opinion and finds that said Auto Rental Service, Inc., should be authorized to transfer its certificate aforesaid to Alma Denver Bus Lines, Inc., provided that said Alma Denver Bus Lines, Inc., assume all valid indebtedness, if any, outstanding against said operation incurred by said Auto Rental Service, Inc., and that all parties in interest be allowed time within which to file objections, if any they have, against said transfer and that a day and date be set for the hearing of said objections if any there be.

O R D E R

IT IS THEREFORE ORDERED, That Auto Rental Service, Inc., a corporation, should be and hereby is authorized to transfer the certificate of public convenience and necessity granted in Decision No. 6642, Application No. 2309, on August 26, 1935, and the extension thereof authorized in Decision No. 6882 on December 6, 1935, to Alma Denver Bus Lines, Inc., provided that -

(a) Said Alma Denver Bus Lines, Inc., a corporation shall assume and satisfy all valid indebtedness, if any, which may be outstanding against said Auto Rental Service, Inc., on account of its operations under said P.U.C. 762 as Alma Denver Bus Line.



(b) That all parties in interest be, and they hereby are allowed time and until the 2nd day of November, A. D. 1936, within which to file objections, if any they have, to the transfer of said certificate of public convenience and necessity.

(c) That the above styled matter should be, and the same hereby is set for hearing upon said objections, if any there be, before the Commission in its Hearing Room, 330 State Office Building, in Denver, Colorado, on the 17th day of November, 1936, at ten o'clock A. M.

IT IS FURTHER ORDERED, That jurisdiction of the application herein should be, and the same hereby is retained for the entry of such orders as may be appropriate.

Chairman Wheeler Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 23rd day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

~~CONTROL~~

IN THE MATTER OF THE APPLICATION)
OF L. E. DIX, DOING BUSINESS AS)
L. E. DIX TRANSPORTATION COMPANY,)
FOR A PERMIT TO OPERATE AS A) APPLICATION NO. 3579-PP
CLASS "B" PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

October 26, 1936

S T A T E M E N T

By the Commission:

Heretofore, by Decision No. 6317, in Application No. 2215-PP, on February 18, 1935, C. B. Rader and Lyle Dix, doing business as Mountain States Transportation Company, were granted private permit to operate as a Class A private carrier by motor vehicle for the transportation of freight in interstate commerce only over U. S. Highway No. 85, permit No. A-903-I subsequently being issued to them pursuant to said order. Thereafter, to-wit, on or about January 7, 1936, Mr. Rader withdrew from said partnership and said permit was transferred to the said L. E. Dix, doing business as L. E. Dix Transportation Company.

Mr. Dix now seeks authority to extend his operation to include the transportation of sand, gravel and road surfacing materials, from point to point within a radius of 60 miles of Denver.

Heretofore the Motor Truck Common Carriers Association and the Colorado Trucking Association have informed the Commission that its members and said associations have no objection to the issuance of permits for operations of the character herein indicated. Therefore, the Commission has determined to hear said application upon the allegations therein contained without formal notice or formal hearing.

After a careful consideration of the record, the Commission has determined that applicant should be authorized to engage in

the transportation service indicated in the application, but inasmuch as said service is that of an intrastate Class "B" carrier and is not related to his interstate "A" operation, the Commission is of the opinion, and finds, that a Class "B" private permit should issue to applicant instead of authorizing the extension of his permit No. A-903-I, as prayed in the application.

O R D E R

IT IS THEREFORE ORDERED, That L. E. Dix, doing business as L. E. Dix Transportation Company, should be, and he hereby is, authorized to operate as a Class B intrastate private carrier by motor vehicle for the transportation of sand, gravel, and road surfacing materials, from point to point within a radius of sixty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. L. Danks

Walter E. Danks
Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1936.

(Decision No. 8579)

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF HOWARD HOLGATE FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE) APPLICATION NO. 2881-PP
CARRIER BY MOTOR VEHICLE.) (Amending Order)

October 28, 1936.

S T A T E M E N T

By the Commission:

On May 11, 1936, the Commission entered its order in the above entitled matter, wherein Howard Holgate was authorized to operate as a Class B intrastate private carrier by motor vehicle for hire, for the transportation of "farm products, road equipment and machinery, and farm supplies and equipment (including used household goods), from point to point within a radius of 15 miles of Carbondale, Colorado, and to transport farm products only from points in said area to Aspen or Glenwood Springs, without back haul, and no authority is granted to transport any commodities except farm products in bulk between towns".

The Commission is in receipt of a written request from attorney for applicant to amend said order to conform to the facts and the record made at the hearing, it being alleged that said order should have included the right to transport the commodities mentioned from said 15-mile radius around Carbondale to and from any other points in the State of Colorado.

An examination of the record discloses that said allegation is correct.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said order of May 11, 1936, should be amended to conform to the record.

O R D E R

IT IS THEREFORE ORDERED, That the First Paragraph of our order of May 11, 1936, in Application No. 2881-PP, Decision No. 7622, be, and the same is hereby, amended to read as follows:

IT IS THEREFORE ORDERED, That Howard Holgate be, and he hereby is, authorized to operate as a Class B intrastate private carrier by motor vehicle for hire, for the transportation of farm products, road equipment and machinery, and farm supplies and equipment (including used household goods) from point to point within a radius of 15 miles of Carbondale, Colorado, and from and to points in said area to and from any points in the State of Colorado, save and except that no authority is hereby granted to transport any commodities, except farm products in bulk, between towns, but all transportation of other commodities herein mentioned shall be from farm to farm, farm to town, and/or town to farm.

IT IS FURTHER ORDERED, That except as herein amended, said original order of May 11, 1936, shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

W. E. Danks

Walter E. Eason

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936

CONTROL *JK*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATIONS)
OF PAT BENSON.)

CASE NO. 1829

October 26, 1936.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

On September 2, 1936, a show cause order was issued against the operations conducted by Pat Benson under his private permit No. A-505 in that he had failed to account for certain C.O.D. shipments and that he had been transporting commodities for others than those named as his customers.

At the hearing, held at State Office Bldg., Denver, Colorado, on September 22, 1936, the respondent testified that he had collected \$90.96 on account of C.O.D. shipments but had not kept this money separate as required by rules and regulations of the Commission, but that immediately upon learning about the rules of the Commission, he promptly paid each of the three C.O.D. items amounting in the aggregate to \$90.96 and presented cancelled checks disclosing that the payment had been made in accordance with his testimony.

The respondent further testified that the Colorado Alcohol Company of Denver, Colorado and the Kline Liquor Store of Holyoke, Colorado, did not appear on his original list of customers but that on his monthly reports he had included the names of the customers for whom he had transported freight and was of the opinion that such written statement met all of the requirements of the rules and regulations of the Commission. The respondent further stated that he had no hesitancy in putting these names on his tax report for the reason that he felt confident this was the same as listing his customers in writing. He further

stated that he had signed contracts with these customers and that he would immediately provide the Commission with memoranda of such contracts and would list his customers separately from his tax reports in the future.

After a careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the respondent did not knowingly violate the rules and regulations of the Commission and inasmuch as he has now taken care of the C.O.D. collections and promised to keep such funds separate in the future and to list his customers separately from his tax reports, that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same hereby is, dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Brien
McDanks
Walter E. Quinn
Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF EARL AND DELBERT RAMEY FOR A)
CLASS B PERMIT TO OPERATE AS)
PRIVATE CARRIERS BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3421-PP

October 26, 1936.

Appearances: William T. Wolvington, Esq., Denver, Colo-
rado, for applicants;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association, Verne
S. Perrine, Mikelson Bros., Clarence
Bender, Ralph Baldwin, Jim's Truck Line
and J. R. Marks;
J. F. Rowan, Denver, Colorado, for Motor
Truck Common Carriers Association, Jess
F. Sellers, William J. Goodenberger,
Dennis A. Burroughs, Elbert Transfer,
Hartsel Truck Line, Hall Truck Line,
Forest Woodard and C. Barnhill;
Winston S. Howard, Esq., Denver, Colorado,
for Livestock Common Carriers Association
and Forest Woodard.

S T A T E M E N T

By the Commission:

Applicants herein seek a Class B permit to operate as private car-
riers by motor vehicle for hire for the transportation of farm products in-
cluding livestock from point to point within a radius of 8 miles of Elbert,
Colorado and from points in said area to Denver, Colorado Springs and Pueblo.

Earl Ramey, for applicants, testified that they owned a 1½-ton 1934
Ford truck; that the railroad into Elbert ceased operating on July 4, 1936 and
was now being "junked"; that the crossroads in the vicinity of Elbert were not
surfaced and that on account thereof small trucks such as their's were more
desirable; that the large Diamond-T truck which Mr. Jessup had recently pur-
chased to operate in his authorized motor vehicle common carrier service at
Elbert was too large to be handled satisfactorily in wet weather. He stated
that he has a commercial permit and has been buying and selling grain and that
if a permit is granted he will charge the rates prescribed by the Commission
plus a 20 per cent differential; that the grain crop last year was very poor,
that the 1936 crop appeared good and considerable business would be available
when thrashing (which at that day August 13, 1936, had not commenced) started;

that three permit operators had been hauling in the vicinity and were busy; that possibly while there were a great number of authorized common carriers in the territory, those at Kiowa and Elizabeth were kept busy at home; that farmers wanted their cattle hauled to market on Mondays or Tuesdays which means that a great number of trucks should be available on those days; that much of the grain raised in the territory is hauled by people who come in from the outside and buy it and that Baldwin and Jessup are the only truckers who reside in Elbert.

Mr. George Gresham, testifying for applicant, stated that additional trucking facilities in his judgment were required to care for transportation of grain in the rush season; that grain used to be hauled to the elevators in Elbert when railroads were operating but it would be necessary to haul the grain by truck to outside points for storing it; that there were enough authorized carriers to care for the business available except during the harvest season; that Jessup's truck line had hauled for him on two occasions, on one of which he had been required to wait for a couple of days for the truck; that for small loads of cattle, in his opinion, it was more desirable to send them to market on Mondays and Tuesdays, Mondays and Thursdays being equally good for carloads; that he was willing to pay the 20 per cent differential for haul of his cattle or grain.

Mr. Charles Litchner, another witness for applicant, stated that he lived six miles from Elbert; that Woodard, Jessup, Goodenberger and Baldwin, motor vehicle common carriers, at times had hauled for him; Jessup handled some livestock for him last spring and his services had been satisfactory although he thought the rate, especially the minimum, provided was too high.

Mr. Dennis A. Burroughs stated that his certificate authorized him, under an extension, to serve Elbert; that Messrs. Jessup, Seelers, Whitney, Goodenberger, Perrine, Bender, Mikelson, Baldwin, Hartsel and Woodard, besides a number of private carriers, were also authorized to serve the same territory, generally speaking, now sought to be served by applicants; that to his knowledge, said carriers had 16 pieces of equipment available for transportation of farm products and livestock, that said equipment was idle much of the time; that there were more authorized common carriers' call and demand services in that community than any community of comparable size in the State of Colorado; that he has two trucks which are not busy for any considerable part of the time, that

up to date he has not transported a single load of grain although his trucks have been available at all times for that purpose.

Mr. Forest Woodard, motor vehicle common carrier of Kiowa, stated that he was authorized to serve from, to and between points within a radius of 25 miles of Kiowa, that there was little transportation business from points in that area, that he had two trucks available to move livestock and grain, that they were idle a considerable part of the time, that while business obtained by him during the rush season (harvest) might not impair the efficiency of his particular operation, that permittees would operate after the "peak" and throughout the year when business was light and any business lost by him, as well as other carriers, would seriously impair the efficiency of their respective operations and might cause the abandonment of one or more of them.

Upon the whole record, we are of the opinion that there is ample authorized for hire motor vehicle service in the territory which applicant seeks to serve; that while possibly it might be more convenient for Mr. Gresham or Mr. Litchener or some other farmers residing in the immediate vicinity of the Ramey' services to call on the applicant for service, the Ramey proposed service is not necessary. The harvest season when extra service possibly might be required is over. The law does not contemplate that every man or every group of five or six men shall have his own carrier immediately available. The public interest does require that a community should have adequate dependable motor vehicle common carrier service and the legislature has provided that

"No application for permit nor for any extension or enlargement of an existing permit shall be granted by the Commission * * * if the Commission shall be of the opinion that the proposed operation of any such private carrier will impair the efficient public service of any authorized motor vehicle common carrier or carriers then adequately serving the same territory over the same general highway route or routes."

It does not appear from the evidence offered herein that the common carrier service is inadequate and it does appear that the efficient public service of said carriers will be impaired by the proposed operation of applicant or any other carrier.

After a careful consideration of the record, the Commission is of the opinion, and finds, that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That application of Earl Ramey and Delbert Ramey for a Class B permit to operate as private carriers by motor vehicle for hire should be, and the same hereby is, denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dease

W. Danks

Walter E. Quinn

Commissioners

Dated at Denver, Colorado,
this 26th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF J. W. RINGSBY FOR AUTHORITY TO)
TRANSFER INTERSTATE PERMIT NO.)
747-I TO RINGSBY TRUCK LINES, INC.,)
A CORPORATION.)

APPLICATION NO. 2418-I-A

October 28, 1936

S T A T E M E N T

By the Commission:

On July 1, 1935, interstate permit No. 747-I issued to J. W. Ringsby, doing business as Ringsby Truck Line, to operate as a common carrier in interstate commerce only between Denver and the Colorado-Wyoming, Nebraska, Kansas, New Mexico and Utah state boundary lines, and between intermediate points and said lines, over U. S. Highways Nos. 36, 40 N., 40 S., 50, 85, 285, 138 and Colorado Highway No. 1.

Said J. W. Ringsby, doing business as Ringsby Truck Line, now seeks authority to transfer said permit to Ringsby Truck Lines, Inc., a corporation. The verified application discloses that all equipment belonging to Mr. Ringsby has been transferred under a contractual or leasing arrangement to Ringsby Truck Lines, Inc., and that said Ringsby has parted with the control of said equipment and that in future it is to be operated by said Ringsby Truck Lines, Inc., a corporation, which assumes full liability on account of and for said operations. Also that the said J. W. Ringsby will own 99.98 per cent of the capital stock of the new corporation.

After a careful consideration of the record, the Commission is of the opinion and finds that said transfer should be authorized.

O R D E R

IT IS THEREFORE ORDERED, That J. W. Ringsby, doing business as Ringsby Truck Line, should be, and he hereby is authorized to transfer said

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common carrier interstate permit No. 747-I to Ringsby Truck Lines, Inc., a corporation.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. C. Danks

William E. Nixon
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WILLIAM SODEN FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3523-PP

October 28, 1936.

Appearances: William Soden, Canon City, Colorado,
pro se;
C. D. Young, Denver, Colorado,
for U. S. Read Truck Line, L. E. Runkle,
P. O. Sullivan, E. J. Gottula, and The
Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association and John W. Loens;
Stanley Blunt, Esq., Canon City, Colorado,
for Southwestern Transportation Company;
Francis M. Keith, Jr., Canon City, Colorado,
for Keith Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the stipulation of the respective parties appearing at the hearing, applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire, for the transportation of (a) rock from Penrose, Parkdale and Canon City to Pueblo; (b) clay from Canon City to Pueblo; (c) ore from mines within a radius of 50 miles of Canon City to loading points in said area and to Leadville or Colorado Springs; (d) coal from mines in the Canon City-Florence district to points within a radius of 100 miles of Canon City; (e) native lumber from sawmills in Fremont County to mines in said county; (g) cement for Gibson Lumber Company from Portland to Canon City.

There was no objection to the issuance of permit as limited.

The operating experience and responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That William Soden should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of (a) rock from Penrose, Parkdale and Canon City to Pueblo; (b) clay from Canon City to Pueblo; (c) ore from mines within a radius of 50 miles of Canon City to loading points in said area and to Leadville or Colorado Springs; (d) coal from mines in the Canon City-Florence district to points within a radius of 100 miles of Canon City; (e) native lumber from saw-mills in Fremont County to mines in said county; and (g) cement for Gibson Lumber Company from Portland to Canon City.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Decker

W. C. Danks

Walter E. Pickens

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
OREST CARROCHI FOR A PERMIT TO)
OPERATE AS A CLASS "A" PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3588-PP

October 28, 1936.

S T A T E M E N T

By the Commission:

On September 30, 1936, Orest Carrochi filed his application for a Class "A" permit to haul lime rock from the rock quarry near Howard, Colorado, to loading point on railroad spur of the Denver and Rio Grande Western Railroad Company.

An examination of his verified application discloses that applicant in transporting the rock will travel over about four miles of private road and one mile of State highway; that the transportation service is not one ordinarily rendered by common carriers, and inasmuch as the Motor Truck Common Carriers Association and The Colorado Trucking Association heretofore have indicated that said associations and their respective members have no objection to the issuance of permits of this character, the Commission has determined said matter upon said verified application.

After a careful consideration of the record, the Commission is of the opinion, and finds that said permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Orest Carrochi, of Howard, Colorado, should be, and he hereby is authorized to operate as a Class "A" private carrier by motor vehicle for hire, for the transportation of lime rock from quarry near Howard, Colorado, to railroad loading point about five miles distant.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. T. Danks

W. E. Danks

Walter E. E. E. E.

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF CHESTER CASTAGNA FOR A PERMIT)
TO OPERATE AS A CLASS "A" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3522-PP

October 28, 1936.

Appearances: Chester Castagna, Florence, Colorado,
pro se;
Chas. D. Young, Denver, Colorado,
for U. S. Read and The Colorado
Trucking Association;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association and John Loens;
Stanley Blunt, Esq., Canon City, Colorado,
for W. A. Lancaster and Southwestern
Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony offered at the hearing, applicant herein seeks a Class A permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from the Florence-Canon City district to Pueblo, Victor, Cripple Creek and Leadville, and the transportation of junk from Leadville to Canon City.

There was no objection to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion, and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Chester Castagna should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of coal from mines in the Florence-Canon City coal district to Pueblo, Victor, Cripple Creek and Leadville, and junk from Leadville to Canon City.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Decker

W. C. Danks

Wesley Emerson
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF E. L. BRINLEE FOR AN EXTENSION)
OF HIS PRIVATE PERMIT NO. A-966.)

APPLICATION NO. 2399-PP-B

October 28, 1936.

Appearances: A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers
Association;
C. D. Young, Denver, Colorado, for
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On July 18, 1935, Decision No. 6566, E. L. Brinlee was granted a Class A private permit to operate as a private carrier by motor vehicle for hire for the transportation of coal only from mines in the Canon City, Colorado, coal fields to Pueblo for the Gordon Scott Fuel Company over U. S. Highway No. 50 and various mine roads.

He now seeks authority to extend said operation to include the transportation of coal from mines in the Walsenburg district over U. S. Highway No. 85 for the Gordon Scott Fuel Company to Pueblo, and coal from mines in the Canon City district for Forbush Coal and Ice Company to Pueblo.

Applicant did not appear at the hearing. Protestants stipulated that said matter might be heard upon the verified application of applicant, which was duly admitted in evidence, and that his permit No. A-966 issued pursuant to the aforesaid decision of the Commission, should be extended to include the service herein sought.

After a careful consideration of the record, the Commission is of the opinion, and finds that said application for extension should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. A-966, heretofore issued to E. L. Brinlee pursuant to Decision No. 6566 on July 18, 1935, should be, and the same hereby is extended to include the transportation of coal over U. S. Highway No. 85 from mines in the Walsenburg district to Pueblo for the Gordon Scott Fuel Company, and coal from mines in the Canon City district over U. S. Highway No. 50 to Pueblo for Forbush Coal and Ice Company of Pueblo.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. D. S. S. S.

W. D. Danks

Walter S. S. S.
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

~~CONTROL~~ *JS*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF GIBBENS & SON FOR AN EXTENSION)
OF PERMIT NO. B-1101.)

APPLICATION NO. 2567-PP-B

October 28, 1936.

Appearances: C. D. Young, Denver, Colorado,
for applicants;
A. J. Fregeau, Denver, Colorado,
for Motor Truck Common Carriers
Association and Weicker Transporta-
tion Company;
Stanley Blunt, Esq., Canon City, Colo-
rado, for Southwestern Transportation
Company and J. W. Loens;
F. M. Keith, Jr., Canon City, Colorado,
for Keith Truck Line.

S T A T E M E N T

By the Commission:

On October 28, 1935, by Decision No. 6760, E. F. Gibbens and Ted Gibbens, co-partners doing business as Gibbens & Son, were authorized to operate as Class B private carriers by motor vehicle for hire, for the transportation of farm products, including livestock, from farms in Pueblo County to the nearest market in said county, farm supplies and machinery from said market points to said farms, and livestock, used farm machinery, equipment and supplies from farm to farm in said Pueblo County.

Pursuant to said order, Permit No. B-1101 issued to applicants.

Said applicants now seek an extension of said authority to include the transportation of farm products, including livestock, but excluding fresh vegetables, from and to farms in Pueblo County to and from points in the State of Colorado, and the occasional transportation of hay and grain in bulk from Avondale and towns near Pueblo in Pueblo County and farms in the Wet Mountain Valley to Sweeney's Feed Mill in Pueblo. No additional town to town service is contemplated.

There was no evidence offered in opposition to the granting of petition as limited, and it did not appear that the proposed operation will impair the efficiency of any authorized motor vehicle common carrier service.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1101, heretofore issued to E. F. Gibbens and Ted Gibbens, co-partners, doing business as Gibbens and Son, should be, and the same hereby is extended to include the transportation of farm products, including livestock, but excepting fresh vegetables, from and to farms in Pueblo County to and from points in the State of Colorado, and the occasional transportation of hay and grain in bulk from towns in Pueblo County and farms in the Wet Mountain Valley to the Sweeney Feed Mill in Pueblo.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward E. O'Connell

W. C. Danks

Maer E. Eason
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

776
CONTROL 78
BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF
RAY MERCURE FOR AN EXTENSION OF
CERTIFICATE OF PUBLIC CONVENIENCE AND
NECESSITY.

APPLICATION NO. 2397-B

October 28, 1936.

Appearances: Winston Howard, Esq., Denver, Colorado,
Attorney for applicant;
Charles D. Young, Denver, Colorado,
for The Colorado Trucking Association
and Leamon Resler.

S T A T E M E N T

By the Commission:

Applicant is now the holder of certificate of public convenience and necessity No. 776 which authorizes the transportation of live stock, grain, farm machinery and furniture to and from all points and point to point within the following described territory surrounding Otis, Colorado: 9 miles east, 30 miles south, 5 miles west and 22 miles north of Otis. In the instant application, he seeks to extend the authority under said certificate to authorize the transportation of plaster from Loveland, cement from Laporte, and lumber, posts and poles from any point in the State of Colorado to the area now served by him under said certificate 776, including the area requested in the instant application, but not in competition with present authorized common carrier line haulers. He also seeks authority to transport live stock from his present Otis territory to Denver, as well as from point to point within the following described area: 15 miles north, 15 miles south, 5 miles west and the State line east of Wray, Colorado, and in and out of that area to any point in the State, as well as oil well equipment and supplies from point to point within his present and requested area and in and out of said areas to any point in the State of Colorado. Applicant specifically exempted any right to transport live stock from the sales pavilions at Yuma, Colorado, and further agreed that he would not compete with Leamon Resler operating under a rover's certificate No. 460.

On behalf of applicant, evidence was introduced to establish the need for his proposed extension of service, and his financial standing and operating reliability were established to the satisfaction of the Commission.

As limited by the evidence at the hearing, no objections were interposed to the granting of the additional authority sought.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed extension of service by applicant.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed extension of authority under certificate of public convenience and necessity No. 776 for the (transportation of plaster from Loveland, cement from Laporte, and lumber, posts and poles from any point in the State of Colorado to the area now served by him under said certificate No. 776, including the area requested in the instant application, but not in competition with present authorized common carrier line haulers; the transportation of livestock from applicant's present Otis territory to Denver, as well as from point to point within the following described area: 15 miles north, 15 miles south, 5 miles west and the State line east of Wray, Colorado, and in and out of that area to any point in the State, and the transportation of oil well equipment and supplies from point to point within his present and requested areas and in and out of said areas to any point in the State of Colorado, without the right to transport livestock from the sales pavilions at Yuma, Colorado, and provided further that applicant shall not operate in competition with Leamon Resler operating under rover's certificate No. 460.)

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except

when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. O'Sullivan

W. C. Danks

Walter Erickson

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE MOTOR
VEHICLE OPERATIONS OF JOHN
J. SCHAMBERGER, FLEMING,
COLORADO.

APPLICATION NO. 3403-PP

October 28, 1936.

S T A T E M E N T

By the Commission:

On August 24, 1936, the Commission issued an order in the above numbered application, which included among other things, the transportation of livestock to market at Denver, Colorado.

It now appears from a communication written by the applicant that he desires to have all of that portion of his authority pertaining to the transportation of livestock between Fleming and Denver eliminated therefrom in order to reduce his insurance premium.

After careful consideration of the communication and the record, the Commission is of the opinion and finds that supplemental order should be issued, eliminating the Denver haul, as requested.

O R D E R

IT IS THEREFORE ORDERED, That the order entered in the above numbered application, Decision No. 8313, be and the same is hereby amended by eliminating therefrom the words immediately following the word "Holyoke" in line 4 on page 2 of said order, "and to market at Denver."

In all other respects said order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. DeLoach

McDermis

Walter E. Smith
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF PAUL GORMAN, DENVER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3549-PP

October 28, 1936.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Ass'n.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Ass'n.;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The above numbered application was called for hearing pursuant to due notice but for some reason the applicant who was said to have been present during the morning session failed to answer during the afternoon.

Those appearing at the hearing offered no objection to the granting of a permit with authority to transport sand, gravel, cement and like road construction material within a radius of seventy-five miles of Denver, Colorado.

After careful consideration of the record and the statements made by those appearing at the hearing the Commission is of the opinion and finds that as thus limited the authority should be granted on the verified application of the applicant but limited to the service abovementioned.

O R D E R

IT IS THEREFORE ORDERED, That Paul Gorman of Denver, Colorado, be, and he hereby is, granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of sand, gravel, cement and like road construction material, directly to projects under construction within a radius of seventy-five miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to

become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Deuel

W. C. Banks

Walter S. Wilson
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ARTHUR HELZER, FORT COLLINS,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3554-PP

October 28, 1936.

Appearances: Mr. Arthur Helzer, Fort Collins, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion, Consolidated Motor Freight;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport lumber and ties from the saw mills west of Fort Collins to yards and railroad loading points at Fort Collins and immediate vicinity for the National Lumber and Creosoting Company. As so limited, there was no objection by those appearing at the hearing.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that authority should be granted as limited by the testimony.

O R D E R

IT IS THEREFORE ORDERED, That Arthur Helzer of Fort Collins, Colorado be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of lumber and ties from mills and forest west of Fort Collins to railroad loading points at Fort Collins and the immediate vicinity thereof for the National Lumber and Creosoting Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held

to be the permit herein provided for, said permit herein granted to become effective only if and when, but ~~not~~ before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Deady

McDanks

Walter Emerson

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF P. M. BLOOM, FORT COLLINS,)
COLORADO, FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3550-PP

October 28, 1936.

Appearances: Mr. P. M. Bloom, Fort Collins, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion and Consolidated Motor Freight;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant here-
in seeks authority to transport posts, timber, ties and lumber from saw mills
west of Fort Collins to yards and railroad loading points at Fort Collins and
immediate vicinity for the National Lumber and Creosoting Company. As so
limited, there was no objection by those appearing at the hearing.

After careful consideration of the record and the testimony, the Com-
mission is of the opinion and finds that authority should be granted as limited
by the testimony.

O R D E R

IT IS THEREFORE ORDERED, That P. M. Bloom of Masonville Route, Fort
Collins, Colorado, be and he hereby is granted a Class B permit to operate as a
private carrier by motor vehicle for hire for the transportation of posts,
timber, ties and lumber from saw mills and forest west of Fort Collins to yards
and railroad loading points in Fort Collins and the immediate vicinity thereof
for the National Lumber and Creosoting Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

McDanks

Wm. E. Eason

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION
OF MRS. J. C. BAHAM, GREELEY, COLO-
RADO, FOR A CLASS "A" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 5555-PP

October 28, 1936.

Appearances: Mrs. J. C. Baham, Greeley, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association, Consolidated Motor Freight
and Inter-City Truck Lines;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport telephone poles, lumber and forest products from mills and forests west of Fort Collins to yards and railroad loading points in Fort Collins and immediate vicinity for the National Lumber and Creosoting Company. As so limited, there was no objection offered by those appearing at the hearing.

After careful consideration of the record and the testimony, the Commission is of the opinion, and finds, that the authority sought should be granted, limited however to the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That Mrs. J. C. Baham of Greeley, Colorado be, and she hereby is granted a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of telephone poles, ties, lumber and forest products from the mills and forests west of Fort Collins to yards and railroad loading points at Fort Collins and immediate vicinity for

the National Lumber and Creosoting Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Sullivan

McDanks

William E. Eason

Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF ROY ARTHUR, BOULDER, COLORADO,)
TO TRANSFER PRIVATE PERMIT NO.)
A-722 TO WILLARD F. BRITT, BOULDER,)
COLORADO.)

APPLICATION NO. 3551-PP-A

October 28, 1936.

Appearances: Mr. Roy Arthur, Boulder, Colorado,
pro se;
Mr. Willard F. Britt, Boulder, Colorado,
pro se;
Mr. W. E. Terry, Boulder, Colorado, for
applicant;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and J. D. McKenzie;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Mr. V. G. Garnett, Denver, Colorado, for
Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

Roy Arthur, the holder of Permit No. A-722 seeks authority to transfer his right to Willard F. Britt for the sum of \$1,050.00. It appears from the testimony that of the consideration to be paid, the transferee is paying \$400.00 in cash for the right, a Ford V-8 truck and the contracts with two customers.

The transferee has been in the farming business and has more or less farming equipment of his own. His financial standing and reliability was established to the satisfaction of the Commission.

It appeared that the transferee has a contract with the Slide Mines and with the Mines Development Corporation, two companies which are operating in the Boulder district.

It appeared that the transferor has been using his permit transporting

ore between mines and mill, and between Boulder and Ward-Magnolia-Caribou-Sugar Loaf-Jimtown-Gold Hill mining districts and intermediate points via various County highways and between Boulder and Colorado Springs and intermediate points via U. S. 85 and U. S. 285 and Colorado 7; that he transported concentrates to Colorado Springs, only in cases of emergency and that at times, in cases of emergency he transported broken mining machinery parts to Boulder and Denver to have the same repaired and returned to the mining company. In this connection he would at times transport some supplies, probably once a month, and it was understood that the transferee was to take over only such rights as the transferor had under his permit No. A-722.

The only outstanding obligations seem to be some small item of back tax which would be reported to the Commission before the transfer is to be made.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority sought should be granted limited to such use as the transferor has heretofore made of his authority.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, That Roy Arthur be, and he hereby is, authorized to transfer all of his right, title and interest in and to permit No. A-722 to Willard F. Britt of Boulder, Colorado, and this shall be authority for such transfer.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferee has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby,

CONTROL *X*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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RE MOTOR VEHICLE OPERATION)
OF G. W. ROWDEN.)

CASE NO. 1702

October 28, 1936.

Appearances: Houtchens and Houtchens, Esqs., Greeley,
Colorado, attorneys for respondent;
E. E. Pollock, Denver, Colorado, for
the Commission.

S T A T E M E N T

By the Commission:

On July 23, 1936, in the above styled matter, the Commission entered its order revoking permit No. A-552 of G. W. Rowden for failure to file list of customers and description of equipment.

On July 30, 1936, ~~Neta~~ C. Rowden, as widow of G. W. Rowden, deceased, through her attorneys, Messrs. Houtchens and Houtchens, asked that said order be set aside and said permit reinstated, it being represented that Mr. Rowden died July 12, 1936, as a result of injuries sustained by him on account of a fall during the latter part of June, he being unable by reason of said injuries to attend the hearing or furnish list of customers and description of equipment. Mrs. Rowden as widow of said deceased is anxious and willing to comply with all rules and requirements of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said order of date July 23, 1936, Decision No. 8062, should be vacated and said permit reinstated.

O R D E R

IT IS THEREFORE ORDERED, That said Decision 8062 of date July 23, 1936, should be, and the same hereby is set aside, vacated and held for naught.

IT IS FURTHER ORDERED, That said Permit No. A-552 should be, and the same hereby is reinstated.

IT IS FURTHER ORDERED, That said Nora C. Rowden, widow of said decedent, should be and she hereby is required within thirty days from the date hereof to file list of customers and description of equipment used under said private permit No. A-552.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Danks

W. L. Danks

Walter E. Danks

Commissioners.

Dated at Denver, Colorado,
this 28th day of October, 1936.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF CATHERINE CUNNINGHAM FOR A CLASS)
"A" PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3147-PP

November 4, 1936.

Appearances: Mrs. Catherine Cunningham, Eaton, Colorado,
pro se;
Mr. A. B. Cunningham, Eaton, Colorado, for
applicant;
Zene D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Ass'n.;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company.

S T A T E M E N T

By the Commission:

The above numbered application was originally set for April 10, but through some misunderstanding the applicant did not appear at the hearing and the same was dismissed for lack of prosecution. However, upon request of applicant, application was reinstated.

It appears from the testimony given at the hearing October 13, that the applicant and her husband have been conducting a drayage business in Eaton for some time but during the past summer have had little use for their truck outside. They now find it desirable to have authority to transport farm products from farms within a radius of ten miles of Eaton, Colorado, (eliminating therefrom the City of Greeley), to storage and loading points within said area, and cement from the factory near Fort Collins to Eaton, Colorado; and lumber from Fort Collins to Eaton, Colorado for the Gould Lumber and Investment Company. The applicant has a 1933 Chevrolet truck.

As limited by the testimony there was no objection to the granting of this authority.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that authority should be granted, limited as indicated by the testimony given.

O R D E R

IT IS THEREFORE ORDERED, That Catherine Cunningham of Eaton, Colorado be, and she hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products from farms within a radius of ten miles of Eaton, Colorado, (excepting transportation to or from the City of Greeley), to storage and loading points therein, cement from the factory near Fort Collins to Eaton, Colorado and lumber from Fort Collins to the Gould Lumber and Investment Company's yard at Eaton, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Wheeler

W. E. Danks

Walter Erickson

Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1936.

GENTRO

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

IN THE MATTER OF THE APPLICATION)
OF L. W. DOTY, GREELEY, COLORADO,)
TO TRANSFER PRIVATE PERMIT NO.)
A-809 TO CHESTER F. MONROE OF)
GREELEY, COLORADO.)

APPLICATION NO. 3547-PP-2

November 4, 1936.

Appearances: Mr. L. W. Doty, Greeley, Colorado,
pro se;
Mr. C. F. Monroe, Greeley, Colorado,
pro se;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

L. W. Doty is the owner of Permit No. A-809, together with certain equipment, all of which he desires to transfer to Chester F. Monroe of Greeley, Colorado and it appeared from the testimony that the consideration was \$650.00 cash for the permit and equipment.

It also appeared that the transferor has been conducting a transportation business for three customers, Farr Company, Thomas L. Schank of Kersey and Rogers Brothers Seed Company at Greeley, and that he is turning over the entire operation to the transferee. The transferor stated that in rendering this transportation service for the customers named he had utilized all of the authority mentioned in his Permit No. A-809, namely "between Denver and Colorado-Wyoming state line and intermediate points, intrastate and interstate via U. S. Highway No. 85 and between Greeley and Fort Morgan and intermediate points via U. S. No. 6".

The transferee stated that he wanted to acquire all of the rights enjoyed by the transferor.

The financial standing and reliability of the transferee were established to the satisfaction of the Commission.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That L. W. Doty be, and he hereby is, authorized to transfer all of his right, title and interest in and to Permit No. A-809 to Chester F. Monree, Greeley, Colorado, and this order shall be taken, deemed and held to be authority for such transfer.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferee has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards

IT IS FURTHER ORDERED, That the right of transferee to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. C. Danks

Max E. Danks

Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL

B-1701-1

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION
OF WESLEY GILCHRIST, GENOA, COLO-
RADO, FOR A CLASS "B" PERMIT TO
OPERATE AS A PRIVATE CARRIER BY
MOTOR VEHICLE FOR HIRE.

APPLICATION NO. 3542-PP

November 4, 1936.

Appearances: Mr. Wesley Gilchrist, Genoa, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colo-
rado, for the Colorado Trucking
Association;
Frank W. Miller, Denver, Colorado, for
the Denver-Limon-Burlington Transpor-
tation Company;
Winston S. Howard, Esq., Denver, Colorado,
for J. C. LaBorde.

STATEMENT

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport farm products (no livestock) from farms within a fifteen-mile radius of his ranch located at Lindon, Colorado, to markets at Genoa, Limon, Akron and other points within a fifty-mile radius of his ranch home, with a back haul of coal.

No town to town movement is contemplated by the applicant except in the movement from farm to markets. As thus limited there was no objection offered to the issuance of a permit.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority sought should be granted, limited however to the testimony given at the hearing.

ORDER

IT IS THEREFORE ORDERED, That Wesley Gilchrist of Lindon, Colorado, be and he hereby is granted a class B permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products (no livestock)

from ranches within a fifteen-mile radius of his ranch near Linton, Colorado, to markets at Genoa, Limon, Akron and other points within fifty miles of Linton, with a back haul of coal to customers residing in the fifteen-mile area above described.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependant upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. O'Connell

W. S. Danks

Walter E. Spickard
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

CONTROL

IN THE MATTER OF THE APPLICATION
OF W. H. HOLSTINE, KIRK, COLORADO,
FOR A CLASS "B" PERMIT TO OPERATE
AS A PRIVATE CARRIER BY MOTOR
VEHICLE FOR THE TRANSPORTATION OF
FARM PRODUCE, LIVESTOCK AND COAL
BETWEEN COLO.-KANSAS STATE LINE AND
DENVER OVER U. S. 36 AND INTERMEDIATE
POINTS, BETWEEN COLO.-KANSAS STATE
LINE & DENVER OVER U.S.24 AND INTER-
MEDIATE POINTS; ALSO LOCAL HAULING
WITHIN A RADIUS OF 15 MILES OF KIRK,
COLORADO. (INTRA AND INTERSTATE)

APPLICATION NO. 3544-PP

November 4, 1936.

Appearances: W. H. Holstine, Kirk, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
C. C. Snyder, E. A. Romine and Elmo
Motsinger;
Winston S. Howard, Esq., Denver, Colorado,
for the Livestock Common Carriers
Association;
T. H. Thomas, Esq., Burlington, Colorado,
for Paul G. Zimmerman and Bertie Towers;
Mr. Frank W. Miller, Denver, Colorado, for
Denver-Limon-Burlington Transportation
Company.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks a Class B permit for the transportation of farm products including livestock and coal from point to point within a radius of fifteen miles of Kirk, Colorado and between points in said area and Denver, Colorado. As thus limited there was no objection offered by those appearing at the hearing.

The applicant has a farm six and one-half miles south east of Kirk and possesses a 1935 Ford V-8 truck with which he intends to conduct his operation.

After careful consideration of the record and the testimony given at the hearing the Commission is of the opinion and finds that authority should

be granted as limited by the evidence.

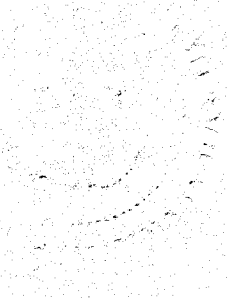
O R D E R

IT IS THEREFORE ORDERED, That W. H. Holstine of Kirk, Colorado be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of farm products including livestock from point to point within a radius of fifteen miles of Kirk, Colorado and from points in said area to Denver, with a back haul of coal from mines in northern Colorado coal fields to points in the above described Kirk area, all of which service shall be rendered for customers residing within the above described Kirk area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward W. Danks
W. C. Danks
W. C. Danks
Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF A. M. SPRAGUE, LONGMONT, COLO-))
RADO, FOR A CLASS "B" PERMIT TO))
OPERATE AS A PRIVATE CARRIER BY))
MOTOR VEHICLE FOR HIRE.))

APPLICATION NO. 5124-PP-B.

November 4, 1936.

Appearances: Mr. A. M. Sprague, Longmont, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
Mr. A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and for the Denver-Loveland
Transportation Company, and for McKie
Transfer Company;
Mr. V. G. Garnett, Denver, Colorado, for
the Colorado Rapid Transit.

S T A T E M E N T

By the Commission:

At the hearing it was disclosed that the applicant is in the hay baling business; that he has a C permit and buys most of the hay which he bales, transporting it to market and sells it, but that at times he is called upon to bale hay for farmers who desire to do their own marketing but call upon the applicant to transport baled hay and in this connection he seeks authority to transport baled hay from his own baling outfit only, which may be situated in any place in the State of Colorado where farmers engage his service, to railroad loading points and to market. Inasmuch as the applicant desires this authority to move hay from his own hay baler only, there was no objection to his having this right from any point in the State of Colorado where he might be baling hay for ranchers.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the authority as limited by the testimony should be granted.

O R D E R

IT IS THEREFORE ORDERED, That A. M. Sprague of Longmont, Colorado be and he hereby is granted a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of baled hay (baled by him), from any point in the State of Colorado where his own hay baling equipment is baling hay, to railroad loading points and markets.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

IT IS FURTHER ORDERED, That this authority shall be considered as an extension of permit B-1443.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund W. Wheeler
W. C. Danks

Wm. E. Simon
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF G. BARNHILL FOR AN EXTENSION)
OF HIS CERTIFICATE OF PUBLIC)
CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3138-B

November 4, 1936.

Appearances: Winston S. Howard, Esq., Denver, Colorado,
for the applicant;
Mr. J. F. Howan, Denver, Colorado, for
Dennis A. Burroughs, Oren A. Hartsel,
and Homer Jessup;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association and for the Denver-Limon-
Burlington Transportation Company and
C. N. Lavelett;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
Jim's Truck Line, E. T. Gray, Byron S.
Bunker and Anderson Truck Line.

S T A T E M E N T

By the Commission:

On September 21, 1936, G. Barnhill filed a petition seeking an extension of his Certificate No. 875, to include the transportation of commodities as authorized in his original certificate from point to point within and into and out of the following described territory which adjoins the area now being served by the applicant, to-wit:

Beginning at the NW corner of the present territory, which is at a point immediately west of Kahn's Crossing; thence north to what is known as the Kiowa-Agate road; thence east along said Kiowa-Agate road to U. S. Highway No. 40; thence SE along U. S. Highway No. 40 to Limon; thence south along Highway No. 71, to the NE corner of applicant's present territory,

however eliminating from this extended authority that portion included in a seven-mile radius around Limon.

Counsel for the applicant amended the application to include only the area hereinabove described and stated that he had stipulated with protestants

that no additional territory would be asked for to the west so that there would be no conflict with the Elbert Transfer Company area, Dennis Burroughs, the Hartsel Truck Line and Jim's Truck Line.

The applicant stated that since the granting of his Certificate No. 875 he had found that the southern half of the area described therein was sparingly settled and required very little transportation service but that the area north and east of Ramah and particularly that section described in his extension had their telephone connections at Simla and Ramah and did most of their trading at these two points; that the trade area of Simla and Ramah extended to this area described in the extension and that he had received many calls from persons living therein for transportation service to and from Ramah, Simla and other points.

The applicant stated that the public demand for his service coming from this extended area to within at least seven miles of Limon was continuous and pronounced. Upon this testimony having been given by the applicant and the Limon area having been withdrawn from the application; also any area west of the applicants original authority having been withdrawn by Counsel, it was stipulated that witnesses present at the hearing would, if called to the stand, testify in substance as did Mr. Barnhill.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that the public convenience and necessity require the extended transportation services of G. Barnhill to that area herein described, lying immediately north and east of his present authorized area and that the extension should be granted.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity require the extension of the area now being served by G. Barnhill under his Certificate No. 875 to include the transportation on call and demand of commodities embraced in his original certificate from point to point within, into and out of the following described territory, to-wit:

Beginning at the ^{NE} corner of his present territory which is immediately west of Kuhn's Crossing; thence north to what is known as the Kiowa-Agate road; thence east along said road to U. S. Highway No. 40; thence SE along U. S. Highway No. 40 to Limon; thence south along Highway No. 70 to the NE corner of the applicant's present territory.

excluding therefrom however that portion of said area included in a sevenmile radius around Limon, Colorado all town to town movements of freight,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Walter E. Simon

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF W. T. BULLARD, DENVER, COLORADO)
TO EXTEND HIS AUTHORITY AS A CLASS)
"B" OPERATOR, UNDER PERMIT B-1391.)

APPLICATION NO. 2953-PP-B

November 4, 1936.

Appearances: Mr. W. T. Bullard, Denver, Colorado,
 pro se;
 Zene D. Bohrer, Esq., Denver, Colorado,
 for The Motor Truck Common Carriers
 Association and Colorado Transfer and
 Warehousemen's Association;
 C. D. Young, Esq., Denver, Colorado, for
 the Colorado Trucking Association;
 Mr. A. J. Fregeau, Denver, Colorado, for
 Weicker Transportation Company.

S T A T E M E N T

By the Commission:

On February 19, 1926, in Application No. 2953-PP, the Commission granted the applicant a private permit No. B-1391, with authority to transport sand, gravel, rock and construction material from point to point within a radius of seventy-five miles of Denver, Colorado.

In the instant application the applicant seeks an extension of his authority to include sand, gravel, rock, cement, steel, lumber and any road construction materials within a radius of seventy-five miles of highway projects anywhere within the State of Colorado.

The applicant testified that what he wanted was an extension of his authority to include a seventy-five mile radius around any project which might be under construction any place in the State of Colorado, and in addition he wanted authority to transport not only sand, gravel, rock and like road surfacing materials, but wanted to include cement, lumber and steel.

Protests called two witnesses to the stand, each of whom testified that there were ninety rover certificates in the State of Colorado, scattered

throughout the several counties of the State and in addition there were twenty-four certificates issued to residents of Denver, Colorado who had state-wide authority to transport heavy materials. These witnesses testified that many of those holding such authority had equipment ample to take care of all demands up to the present time and so far as anyone could ascertain there was ample authority holding equipment ready to take care of any immediate future demands from contractors throughout the State of Colorado. These witnesses stated this was particularly true in the handling of lumber, steel, cement and other heavy road and bridge materials and that in addition to motor truck common carriers, railroads handled a great deal of the steel direct from factories and that to grant additional authority would impair the present adequate and efficient services of authorized carriers.

After careful consideration of the record and testimony, the Commission is of the opinion and finds that there is at this time authorized common carriers with ample equipment to adequately take care of all movements of lumber, steel and cement for contractors having projects under construction or under contract throughout the State of Colorado, and that to grant this part of the instant application would tend to impair these authorized, efficient services now available; and that the applicant herein should be granted authority to transport sand, gravel, rock and like road surfacing materials only.

O R D E R

IT IS THEREFORE ORDERED, That the authority granted under Permit No. B-1391 be and the same hereby is extended to include the transportation of sand, gravel, rock and like road surfacing materials from point to point within a seventy-five mile radius of any highway project which may be under construction in the State of Colorado.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Sullivan
W. L. Jones
Robert E. Smith

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

274

IN THE MATTER OF THE APPLICATION
OF M. L. MILLER FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY.

AMENDED
APPLICATION NO. 1521.

IN THE MATTER OF THE APPLICATION OF
VOLVERTON TRUCK LINE (JOHN SHULL)
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2171.

IN THE MATTER OF THE APPLICATION OF
WILLIAM E. BARLOW FOR A CERTIFICATE
OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2064.

IN THE MATTER OF THE APPLICATION OF
GATELY MOTOR COMPANY, A CORPORATION,
FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2562.

IN THE MATTER OF THE APPLICATION OF
FRANK W. EGLEY FOR A CERTIFICATE OF
PUBLIC CONVENIENCE AND NECESSITY.

APPLICATION NO. 2595.

IN THE MATTER OF THE APPLICATION OF
ROBERT COLMAN, DOING BUSINESS AS
THE COLMAN FREIGHT SERVICE, FOR A
CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY.

APPLICATION NO. 2492.

IN THE MATTER OF THE APPLICATION OF
H. M. HITCHCOCK AND B. W. HITCHCOCK,
DOING BUSINESS AS HITCHCOCK TRUCK
LINE, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY.

APPLICATION NO. 2424.

November 4, 1936.

Appearances: Worth Allen, Esq., Denver, Colorado,
for Frank W. Egley;
Marion F. Jones, Esq., Longmont, Colorado,
and George H. Swerer, Esq., Denver, Colorado,
for Shull Truck Line and The Colorado Truck-
ing Association;
D. A. Maloney, Esq., Denver, Colorado,
for M. L. Miller;
Glenn L. Daly, Esq., 719 E. & C. Bldg., Denver,
for William E. Barlow;
John M. Boyle, Esq., Salida, Colorado,
for Gately Motor Company;
Colin Smith, Esq., Denver, Colorado,
for Hitchcock Truck Line;
J. F. Rowan, Denver, Colorado,
for Colman Freight Service and The Motor
Truck Carriers Association.

Carl A. Kaiser, Esq., and E. C. Peabody,
Breckenridge, Colorado, for Summit
County, Summit County Metal Mining
Association and Dillon Chamber of
Commerce;
Robert L. Gee, Fairplay, Colorado,
for Park County;
E. B. Evans, Esq., Denver, Colorado,
for Denver-Alma Bus Line;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company;
J. L. Rice, Esq., J. Q. Dier, Esq., and
Mr. Alders, Denver, Colorado, for The
Colorado and Southern Railway Company.

S T A T E M E N T

By the Commission:

On December 19, 1929, M. L. Miller, doing business as Miller Truck Line, filed his application for a certificate of public convenience and necessity to operate a motor truck service for the transportation of freight and express between Denver and Alma, Colorado, and intermediate points. At the same time, he filed application No. 1520 for a similar service between Alma and Colorado Springs and intermediate points west of Florissant. The last mentioned application was denied and, with the consent of the Commission, setting of Application No. 1521 for hearing was indefinitely postponed. On October 3, 1935, other applications for service similar to that mentioned in 1521 having been filed by some of the applicants hereinafter mentioned, applicant filed an amended application to establish service for the transportation of freight and express between the town of Alma or any point within a radius of 10 miles thereof and the County of Denver. Said application further recited that applicant does not propose to do any local hauling along the proposed route from points east of Conifer to Denver, but does propose to give local service commencing with Conifer and including all points on and over what is known as Colo. State Highway No. 8 to Fairplay, and from Fairplay on what is known as Colo. Highway No. 9 to Alma, west of Conifer and between any points within the aforementioned ten-mile radius, and tri-weekly service to Breckenridge and Dillon, Colorado, same being on Tuesdays, Thursdays and Saturdays, and oftener if the business demands it, and further requesting permission to establish a

"private contract carrying motor service" (which was amended at the hearing without objection to a common carrier call and demand service) for the transportation of freight and express in, to and from any and all points within a prescribed radius of 35 miles of Alma and from all points within said 35-mile radius to any and all points within the State of Colorado.

On September 8, 1932, William E. Barlow filed his application No. 2064 for a certificate of public convenience and necessity to establish a motor vehicle transportation service for the hauling of freight and express "between Denver, Colorado, and Fairplay and Alma, Colorado, and all intermediate points from Conifer, Colorado, to Fairplay and Alma, Colorado, including an area of ten miles along and on each side of said road from Conifer to Fairplay and Alma, Colorado, by motor vehicle." At the hearing hereinafter mentioned held at Fairplay, applicant Barlow asked leave to amend his application to include the right to serve Breckenridge, Dillon, Frisco, Kokomo and intermediate points, and points within a radius of ten miles of each place. The application to amend was taken under advisement.

On June 19, 1934, William L. Wolverton and Lawrence Forres, co-partners, doing business as Wolverton Truck Line, filed their application for a certificate of public convenience and necessity to establish a service for the transportation of freight by motor vehicle between Denver and Fairplay, Breckenridge, Dillon, Leadville, Redcliff and intermediate points. On January 21, 1935, W. L. Wolverton, as proprietor of Wolverton Truck Line, made application in writing to the Commission to amend said application to include service "from Denver over Highway No. 8 via Fairplay over 8 and 40 S. to Buena Vista to Leadville down the Colorado River to Grand Junction over 40 S., continuing over Highway 50 to Montrose and Gunnison over No. 6 State and No. 50 U. S. to Salida, thence over No. 650 to Buena Vista with intermediate points," and also "Fairplay over No. 9 to Dillon, over 91 back into 40 S. to Leadville and intermediate points". Said W. L. Wolverton thereafter wrote the

Commission "Please be advised that I have assigned all my right, title and interest in and to the above application for a certificate of convenience and necessity to Mr. John Shull, whose name you are hereby authorized to substitute in any further proceedings on said application." Although said letter, dated April 22, 1935, is in the files concerning said application, there is nothing to indicate when it was received and it was never formally filed or acted upon. The substitution of John Shull as applicant in said Wolverton application was asked by said Shull at the hearing in Fairplay, to which applicant Hitchcock, by counsel, the other applicants concurring, objected on the ground that said Wolverton could not assign his application or right to prosecute said application, and that said Shull should be required to file a formal application and otherwise comply with the law and our rules and regulations instead of being permitted to prosecute the application filed by Wolverton Truck Line. At the hearing in Fairplay, John Shull asked leave to amend said application to include the additional service outlined by Barlow in his proposed amendment. Rulings on said application to substitute Shull and to amend the Wolverton application, were reserved, Shull, however, being permitted to participate in the hearings and to offer testimony in support of the Wolverton application.

On September 17, 1935, the Gately Motor Company, a corporation, filed its application for a certificate of public convenience and necessity to operate a motor vehicle service for the transportation of freight on schedule "from Denver via Morrison to Tiny Town; from Tiny Town to Conifer; from Conifer to Shaffer's Crossing; from Shaffer's Crossing to Bailey; from Bailey to Shawnee; from Shawnee to Grant; from Grant to Jefferson; from Jefferson to Como; from Como to Fairplay, and from Fairplay to Alma, and in reverse order from Alma through said towns over said route to Denver" as indicated by map attached to the application, and the operation of a pick-up and delivery service to connect with its main line at Alma to and from points within a radius of 20 miles of Alma. At the hearing, its representatives also asked authority to

amend its application to include service to the points sought to be served by Mr. Barlow under his proposed amendment. The application to amend was taken under advisement.

On September 26, 1936, Frank W. Egley filed his application No. 2595 for a certificate of public convenience and necessity to establish motor vehicle service for the transportation of property on schedule between Denver and Alma and intermediate points, including Fairplay, Jefferson, Shawnee, Bailey and Grant. At the hearing in Fairplay, he, too, asked leave, the application being taken under advisement, to amend his petition to include a request for the same service proposed by Mr. Barlow in his amendment.

On October 18, 1935, H. M. Hitchcock and B. W. Hitchcock, doing business as Hitchcock Truck Line, of Breckenridge, filed their application for a certificate of public convenience and necessity to establish a motor vehicle common carrier truck service on schedule for the transportation of freight and express between Denver and Kokomo, Colorado, and all intermediate points, including Bailey, Shaffers Crossing, Shawnee, Grant, Jefferson, Como, Fairplay, Alma, Breckenridge, Dillon and Frisco.

On August 14, 1935, Robert Colman, doing business as Colman Freight Service, filed his application No. 2492 for a certificate of public convenience and necessity to establish a motor vehicle common carrier service for the transportation of freight and express, on schedule, between Denver and Leadville, Colorado.

All of said applications, except that of applicant Egley, were formally set for hearing at the Hearing Room in Denver on October 18, 1935, at 10:00 o'clock A. M.

On September 14, 1935, protest having been filed by John Skull against the Colman application, formal motion and answer was filed by Colman Freight Service asking that said protest be disregarded and stricken upon the ground, in effect, that Skull had no standing before the Commission and had no right to prosecute the Wolverton Truck Line application No. 2171. Ruling was reserved.

At the time appointed for the hearing, only Colman Freight Service was ready to proceed, and hearing on the other applications was continued to Fairplay on November 12, 1935, at 9:30 o'clock A. M.

Formal protests were filed by the Board of County Commissioners of Summit County, the Dillon Chamber of Commerce, Summit County Metal Miners Association, and the aforesaid John Skull, in opposition to the granting of the Colman application.

The evidence in behalf of Mr. Colman disclosed that for a number of years he had been engaged in the garage and truck business at Grand Junction, had operated for six years as a contract or private carrier, and is now operating daily freight service as a common carrier by motor vehicle between Denver and points west of Leadville as far as Grand Junction; that he served Leadville as a private carrier; that he could not profitably operate his common carrier service without the revenue derived from his private carrier business into Leadville; that there was some doubt about his right to carry goods as a common carrier and as a private carrier in the same equipment; that his service to the town of Leadville was an essential one viewed from the standpoint of the consignees of freight living in Leadville; that in his judgment, on account of the requirements of Leadville merchants and the fact that merchants residing in towns west of Leadville as far as Grand Junction needed his service (which cannot be maintained without the Leadville service), a certificate of public convenience and necessity should issue for the Leadville operation; that he has 40 to 50 customers in Leadville, their number having been increased lately due to the daily service inaugurated under his Grand Junction certificate; that practically every receiver or shipper of freight in Leadville wants his service; that his rate had been 60 cents per hundred, but had been reduced recently to 50 cents on account of competition from other private carriers; that many customers residing in Denver had requested him to make deliveries in Leadville; that his freight shipments out of Denver amounted to 50,000 to 60,000 pounds weekly, about one-fourth thereof being consigned to Leadville; that he did not anticipate much increase in the volume of business should a certificate be granted unless rates

were fixed by the Commission, in which event he thought both he and the railroad would receive more freight; that only a very little freight was handled by The Colorado and Southern Railway Company into Leadville, most of the freight arriving by rail being handled by The Rio Grande; that he was using equipment of the value of approximately \$9,500.00 in said freight operation, consisting of 2 International closed, insulated body trucks, 1 one and one-half ton Chevrolet stack body, and 2 pick-ups, and has ample resources to purchase additional equipment should it be required; that he maintains a terminal garage at Grand Junction of the value of \$2,000.00 to service his equipment, and carries cargo insurance. A resolution of Leadville Chamber of Commerce was presented requesting that his application be granted.

Witness Duffy in his behalf stated that he resides in Denver and operates the dock at which Colman's freight was loaded; that he had numerous telephone calls for Leadville service from Denver and that a number of C.O.D. shipments had been lost because there was no responsible common carrier service to Leadville; that the reputation of Colman for personal integrity and quality of service rendered was excellent.

Miss G. Bakke stated that she was employed by the Colorado Motor Truck Common Carriers Association and that the Colman Freight Service on account of its dependability was listed in the Classified Shippers' Guide, which is prepared by the Association, Mr. Thomas Nicholson of Leadville, who operates the Western Hardware Company, stated that his concern had been a Colman customer for years; service was speedy and satisfactory; that the Colorado and Southern service was slow; that for shipments of commodities by rail, when possible, he used the Denver and Rio Grande service, and he thought that the motor vehicle service was a necessity.

On November 12, 1935, at Fairplay, all applicants appeared, the matters being consolidated for hearing, and testimony was offered in support of the several applications filed, with the exception of Colman Truck Line, and some testimony was offered by some protestants.

In behalf of M. L. Miller, it appeared that his application was the

first filed, but had not been prosecuted, as before stated, on account of denial of a similar application for truck service between Colorado Springs and the territory sought to be served in the instant application; that he resides at Alma; that he now operates a truck line between Colorado Springs and Alma, and until about two years ago operated between Denver and Alma, abandoning that line on account of the ruinous competition and inability to make money at the prevailing rates; that in addition to his trucking operations, he is engaged in the lumber business in Alma and is interested in a number of mining operations, besides maintaining a garage in Alma. It also appeared that his financial standing is excellent, and he is in a position to purchase any additional equipment that might be required in the conduct of his proposed common carrier business. Jack Kroblen, Clyde Murdock, C. C. Miller, J. H. Singleton and E. H. Rights, all of Denver and connected with various shippers of that city, testified that Mr. Miller's service had been excellent. Mr. Weichand, druggist, Andy Burger, Edward E. Snell, Jack T. Levine and Harry A. Pryor, business men of Alma, C. B. Duncan of Como, and Joseph F. Merek of Fairplay, all testified to the excellent service furnished by Miller and that his reputation was good. Mr. Anderson also stated that the Barlow service was good, but slow, that Shull was a "price cutter" and that the rail service was "rotten". His opinion of the rail service was confirmed by Mr. Burger, Mr. Levine and other witnesses. Mr. Weichand thought that Mr. Miller, Mr. Gately and Mr. Hitchcock viewed as applicants were all satisfactory; that Mr. Gately probably had the best equipment. He did not know anything about the Shull service because he had never patronized it on account of his experience with the service of Wolverton who had preceded Shull. Mr. Burger thought that Mr. Miller was "very recommendable" and preferred that Miller or Gately get the certificate because they were well equipped and resided at Alma. His next choice was Hitchcock Brothers. The witnesses uniformly agreed that Gately and Miller service had been good, and those who had tried the Hitchcock service found it to be satisfactory, and except for the complaints indicated,

the service of Barlow and Shull was approved by those who used it. Mr. Duncan, a merchant of Como, stated that he used the Shull service because his rate was 40 cents while the rate of other carriers was 60 cents.

Mr. William E. Barlow testified in his behalf, stating that he had been operating a motor vehicle carrier service for hire since 1929; that permit B-23 issued to him in 1931 and permit A-394 issued to him in 1932; that he had been operating between Denver, Alma and Fairplay continuously since that time; that he doesn't care to go to Breckenridge, thinks that Hitchcock Brothers are entitled to that service, but will inaugurate a Breckenridge service should it be required by the Commission; that he missed one regular trip in the spring of 1932 on account of snow, but otherwise has been able to operate regularly. To begin with, he operated with a 90-cent rate, later reduced it to 70 cents, and is now getting 60 cents a hundred; that his business amounts to 50 to 75 tons per month and believes that he can improve the volume of his business and quality of his service should a certificate be issued to him; that he is not engaged in any other business and will give the transportation business his personal attention; that he served more than 200 customers under his permit and expects to enlarge his present tri-weekly service to a five-day service; that he places his C.O.D. money in a separate account and has handled about \$20,000 in C.O.D.'s without complaint from his customers. He identified the corrected financial statement which indicated his solvency and ability to purchase more equipment should it be required in the proposed operation. He has been handling cattle and hay on the inbound movement to Denver, and groceries and mine supplies on the outbound movement. He estimated the population of Fairplay to be 216 in 1930 and 1000 as of the time of hearing, and that the population of the district, which was about 500 in 1930, had increased to 2500. He thought that the public convenience and necessity required the service from and to Denver to and from all points as far west as Alma, as outlined in his amended application.

Mr. Bergstrand, Mr. Hoff and Mr. Barr of Fairplay, merchants, all testified to the character of Mr. Barlow's past service and agreed that it was

prompt and dependable.

Mr. Glen W. Gately testified that he was president of the Gately Motor Company; that he had been in the garage business in Alma since 1930, and prior to that time had been employed as a road overseer in Summit County; that he commenced hauling ore in August, 1930, and since January, 1933, he had handled 25 tons of concentrates in every 24 hours; that he regularly hauled for the Fairplay Gold Mining Company, London Gold Mines Company, London Butte Mines, London Mountain Gold Mining Company and Record Mill; that his pay roll in the past three years had amounted to \$120,500; that he paid his drivers \$127.50 per month and employed on an average 25 men, had handled 1,489,000 ton miles of ore in the month of October, 1935, and the assessed value of his property is \$27,770.00; that the floor space in this garage amounts to 6000 square feet; that his garage is steam-heated, and equipped with stoker and 24 fire extinguishers; that he has a large number of trucks equipped with ore hauling bodies, two tractors equipped with road plows, four-wheel drive trucks, etc.; that he had not been engaged in a "line haul service." It also was disclosed that for a number of years, by an arrangement with the County and in his individual capacity, he had been able to keep the roads open for the transportation of ore with the equipment owned by him. While perhaps not strictly germane to the issues, it was also developed that he had maintained hospital and medical facilities and service for his employes without expense to them.

A. M. Arnold of Alma, representing the American Mining Company, George Hartman of the London Butte Mines, James B. Briscoe of Fairplay Gold Mines, Inc., Fred Singleton and others testified to the uniformly satisfactory service of Gately. Mr. Arnold also stated that he had shipped some freight by Shull and had experienced some delay in the handling of shipments; that the Barlow service had been satisfactory. Mr. Hartman also used the Barlow service from Denver. Mr. James B. Briscoe, a Gately witness, testified that Hitchcock Brothers, in his judgment, would be satisfactory operators, and that he had used the Egley service for the transportation of props, coal, sand, and mine supplies from local territory; did not think it desirable to grant two certificates even though one were confined to local hauling and

the other to heavy hauling; that his mine required an ore service plus a local pickup service, and through service from Denver to the mine, which is located about 9 miles from Alma; that Gately is the only operator whom he knows that is equipped with the necessary trucks to handle the ore shipments and keep the highways open; that except for the loss of \$40,000 in taxes to Park County should the railroad be abandoned, the community would not be affected by its abandonment; that from January 1, 1935, to October 1, 1935, his company paid the railroad company for freight service, Alma to Leadville, \$6000, Denver to Alma \$122.50, Buena Vista to Alma (coal) \$623.32, and paid Gately for hauling ore \$3,613.50, Barlow, \$1322.09 for transportation between Denver and Alma, and \$189.00 to Egley for transportation to Leadville, besides \$2,381.00 to Egley for transportation of coal, props, poles, etc.; that the power company and telephone company had expended \$100,000 and \$16,000 respectively on improvements in the Alma district; that the north London Mine road was closed six to seven months out of the year and due to the fact that its mill was located at the foot of the tram, they must put in a year's supply of commodities at one time which movement must be handled expeditiously, and that Gately could handle it.

In considering the testimony offered in behalf of Gately Motor Company, a corporation, applicant herein, it might be well at this point to state that one of counsel for the other applicants has suggested that it appears from the certificate of incorporation attached to the Gately application, that applicant is not authorized under its certificate to engage in the business of transporting commodities for hire by motor vehicle or otherwise.

Mr. Briscoe also testified at length as to the quality of Mr. Egley's service and stated that it had been excellent. Mr. Egley in his own behalf, testified that he had been engaged in business as a contract carrier since June, 1934, under a Class B permit; that he had not lost any customers on account of inadequate service and that in his judgment there was no necessity for a common carrier service until and if removal of the railroad is authorized by the Interstate Commerce Commission; that he had no business other than that of trucking and would devote all his time to the proposed operation; that he was

solvent and in a position to secure additional equipment should it be required; that he thought a complete service should be rendered to the public of the district, with particular regard to mining operations. His attention was directed to some unsatisfied accounts he had incurred in the conduct of his operation, which he stated he was willing to pay.

J. C. Palmer, of Fairplay, (driver for Egley), John A. Herne, Ford dealer of Fairplay, George Shema, a Fairplay druggist, Sylvester H. Law, Fairplay, Eugene E. Beslough, Mike Mennowitz, Dr. Beebe and George W. Teter, of Fairplay, Clarence Knowlton, Fairplay Hotel manager, all testified to the uniformly good service furnished by Mr. Egley in the past. It might also be added that almost without exception they agreed that the Miller, Gately and Barlow service was satisfactory, and those who had used the Hitchcock service recommended it highly. Mr. Shema stated that all truckers charge the 60-cent rate except Shull, who charged 40 cents from Denver. He stated that the Shull service was good.

Mr. Mike Mennowitz, on cross examination, stated that the Egley service was no better than that of other applicants except that he hauled for a third less than other truckers.

Harvey Hitchcock, for Hitchcock Brothers, stated that he lived at Breckenridge; that he and his brother had been operating a truck service as private carriers between Denver, Fairplay, Alma, Breckenridge and Dillon; that they operated a tri-weekly service and used three trucks in the line haul operation, besides a pickup truck in Denver, said equipment which they expect to use in their proposed common carrier operation being of the value of \$2,300.00; they maintain garage repair service and a dock in Denver and have a garage at Breckenridge; that in the past they have furnished service directly to the mines around Fairplay, Alma and Breckenridge, and expect to continue such service; that they do not believe a trucking business operating solely between Denver and the territory beyond Hoosier pass will be profitable, and for that reason want to serve Alma, Fairplay and other towns between those points and Denver; that

there is no movement of freight between Kokomo and Leadville to justify an operation over Fremont pass which is closed during the winter months; that they are financially equipped to procure additional equipment should it be required in the conduct of said operation; that the weekly average freight movement over Hoosier pass to Breckenridge, Dillon, Kokomo and Frisco, has been about 10 tons. Mr. T. E. Allen, manager of the Tiger Placer, Jim Martin, druggist of Breckenridge, Ed E. Kaiser, market proprietor of Breckenridge, William Henderson, grocer of Alma, E. C. Peabody, county officer of Breckenridge, testified directly in behalf of the Hitchcock operation and stated that said operation had been very satisfactory and, in their judgment, applicants were dependable, capable operators and would furnish an adequate and dependable common carrier service. Messrs. Kroblen, Murdoch, Miller, Singleton, Rights, Anderson, Weichand, Burger, Snell, M. L. Miller, William E. Barlow, Hoff, Briscoe, Shema and other witnesses for other applicants, testified that the Hitchcock service had been very satisfactory.

Mr. E. C. Peabody further testified that he was Clerk and Recorder of Summit County and presented a number of resolutions adopted by Summit County Metal Miners Association, Dillon Chamber of Commerce, and Board of Commissioners of Summit County, in opposition to the granting of a certificate to anyone at this time for a freight operation into Park, Summit or Lake counties, and explained that the people of his county believe that the development of the mining industry was most important at this time; that the service of the railroad was essential to that development, that the railroad was seeking an excuse to abandon its service and had filed an application for abandonment, and that action herein should be deferred until such time as said matter was determined by the Interstate Commerce Commission. He also mentioned the fact that taxes paid by the railroad to the county were badly needed to keep county agencies going.

Mr. Peabody's position was endorsed by Park County through Mr. Gee, its representative.

John Shull testifying in his behalf, stated that he had been operating under the so-called Wolverton permit, which was assigned to him, since April 22, 1935, the Wolverton operation having succeeded the Connell operation,

one of the earliest in the field; that he served Victor, Cripple Creek, Leadville, Fairplay, Alma, Dillon, Breckenridge and other points, and wanted to serve under his proposed operation Bailey and all points west of Denver indicated in the original Wolverton application as amended on January 28, 1935, except Redcliff which might be stricken; that as successor to Wolverton he was prosecuting Wolverton's application for a certificate in his own name and right (which as heretofore stated was objected to by other applicants); that he owned ten trucks, which included six trucks equipped with van type bodies and two pick-up trucks; that he was in a position to, and would add more equipment if it should be required under the proposed operation; that he maintains a dock in Denver and will establish agents and pick-up service in all towns to be served by the proposed operation, including a pick-up and delivery service to the mines in the vicinity of Alma, Fairplay and Breckenridge if it is necessary in order to render satisfactory service; that he has been operating five trips weekly to Leadville and to Dillon and intermediate points, and two trips weekly to Grand Junction out of Denver, and will operate daily service under the certificate if necessary; that he has never missed a scheduled trip on account of weather or for other reasons; that his regular customers include 5 or 6 in Fairplay, 5 in Alma, 2 in Breckenridge, 2 in Dillon, and 12 or 15 in Leadville, although he has not restricted his service in Leadville to listed customers; that he has been using separate trucks for short hauls and that his Leadville operation has been separate and distinct from the operation into Fairplay and Alma; that his tonnage to Leadville and Buena Vista has amounted to 20 to 25 tons weekly. At this point Colman Truck line stated that it would be willing to serve Buena Vista.

A number of witnesses from Dillon, Leadville and Fairplay, including Pete Lege, Morley Thompson, L. A. Boynton, J. P. Olson and Pearl S. Dial, testified that the Shull service had been very satisfactory. Mr. Boynton thought it was so good that his competitors and others should have the benefit of the Shull service. Mr. Thompson, manager of the chain store system, with stores at Victor, Cripple Creek, Fairplay and elsewhere, particularly wanted the Shull service on account of the fact that he operated in towns where the chains maintained stores, which facilitated interchange of goods. Mr. Lege

stated that Shull's rate was lower than that of other truckers and that was the principal reason why he patronized Shull.

The record discloses that while, as before indicated, a number of witnesses thought that a certificate of public convenience and necessity should not be granted to anyone until the matter of proposed abandonment of the Colorado and Southern service between Denver and Leadville is determined, other witnesses thought that in order to stabilize the transportation service and rates between the points covered by the several applications and to establish rates and more effectively control number of carriers to be authorized to serve the territory, it was desirable that a certificate should be granted immediately. A number of months have elapsed since the hearing, the railroad's application to abandon its line of railroad between Watertown and Climax has been granted, its line and service are about to be discontinued and the towns of Alma, Fairplay, Breckenridge and Leadville, as well as other towns involved in this application, are without adequate, dependable and permanent common carrier motor vehicle transportation service from Denver, except that Leadville is being served by the joint service of Weicker Transportation Company and Colman Freight Service by way of Pueblo. Such service, however, due to the roundabout route, although the rate is the same as it would be for a haul over the more direct route, is slower than that afforded by several private carrier truck lines operating over direct routes who are seeking certificates herein. After considering all phases of the matter, the Commission believes that a decision should be entered without further delay.

It appears from the record herein that a number of the applicants for certificates for varying service could and probably would furnish a satisfactory motor vehicle common carrier transportation service, and it is difficult here, as in all hearings where so many conflicting applications are involved, to determine, when viewed in the light of their respective operating histories, which of the applicants is the best qualified and is most likely to furnish the best permanent service.

We also have to consider the fact that probably all those private

carriers now authorized to serve the territory in question who are not granted certificates, will continue to operate as private carriers, and if a certificate should be granted to a carrier who is not operating, we will be adding one more transportation service in an already over-served territory.

While applicant Miller was first in point of time to file his application and was operating as a private carrier between Denver, Alma and Fairplay at the time he filed his application, he abandoned said service a number of years ago. He made a splendid financial showing and he seems to have satisfied his customers, but to grant him a certificate would be adding another carrier service, and it is doubtful if he could get enough tonnage from other operators already furnishing line haul carrier service from Denver to succeed.

Mr. Shull, who succeeded Wolverton's operation, has been operating as a private carrier, and although some complaints and criticisms of his service were voiced at the hearing, his business has increased and he now operates over a wide territory. He has 10 or 12 customers in Alma, Fairplay, Breckenridge and Dillon and, with the exception of Hitchcock Brothers, is the only applicant who has operated into the Breckenridge-Dillon area. For the most part, he has operated by way of Colorado Springs into Fairplay, Alma, Breckenridge, Dillon and Leadville. The evidence, however, disclosed that the development of his operation to a considerable degree has been due to the fact that he has "cut prices". His customers probably would react unfavorably to the increase in rates he would be compelled to make if he complied with the law and the Commission's prescribed rates. A number of objections based upon procedural questions were filed and made against his proceeding in his name under the Wolverton application, but in view of the Commission's findings hereafter made, based upon other grounds, in our judgment it will not be necessary to, and we do not herein, pass upon said objections.

Gately Motor Company, so far as the record discloses, while a very satisfactory operator locally in the Alma-Fairplay area, has not engaged in line haul motor vehicle service and probably under its certificate of incorporation is not authorized to engage in such operations. The financial showing made by the company, its method of operating, its local connections

and general standing, were excellent, but here, too, the granting of a certificate to Gately Motor Company would add another line haul operation in the territory whose chance for success would be less than that of an established carrier.

Mr. Egley has been operating for a considerable period of time as a Class B carrier. He had not been engaged in a line haul carrier service prior to the hearing. His transportation record is satisfactory. His application was filed subsequent to the time of filing of applications of a number of the other applicants. It did not appear that he is as well equipped financially to provide an adequate, dependable and permanent service as some of the other applicants. Also he, like Miller and Gately, would have to develop his business by taking it away from existing carrier services.

While the evidence on the whole discloses that Mr. Barlow has been furnishing an adequate private carrier service for a number of years, is a resident of the town of Fairplay and acquainted with its transportation needs, it appeared that he is not now and does not desire to serve Breckenridge, Dillon or other points beyond Alma, but is willing to serve said points if the Commission should so require and offered to amend his petition accordingly. He has had no operating experience in the Kokomo-Breckenridge area. Operating conditions into this territory, especially during the winter months, are difficult and competitive conditions serious. Mr. Barlow would be compelled to secure his customers in the Breckenridge, Dillon, Kokomo, Frisco area after his operation is authorized, and he would have to take them away from Shull or Hitchcock Brothers. If a common carrier operation is to survive, it seems desirable to grant it to that carrier who has the widest experience throughout the territory as a whole and the least obstacles to overcome.

Hitchcock Brothers have been serving between Denver, Fairplay, Alma, Breckenridge, Dillon, Kokomo and Frisco and intermediate points. Their service has been profitable, adequate, dependable and satisfactory. All witnesses for all parties who testified relative to this question, so stated and no complaints were made against their service. They have garage and dock facilities at Breckenridge and Denver. They have given their operation their

personal and undivided attention and have established a splendid reputation for excellent service among the receivers of merchandise in said territory. We doubt that another operator could take their customers or tonnage away from them in any part of the territory served by them.

After considering the matter from all angles, the Commission believes that the public interest will be best served by granting a certificate to Hitchcock Brothers, who in our opinion, among all the carriers seeking a certificate herein, are most likely to survive, and that such certificate should issue, being substantially for the same service heretofore carried on by them as private carriers.

Also inasmuch as Mr. Colman is now serving Leadville out of Denver by way of Pueblo, through its connection with Weicker Transportation Company, as a common carrier, and is serving Leadville out of Denver by way of Colorado Springs, South Park or Loveland pass as a private carrier, and is serving points beyond Leadville to Grand Junction out of Denver as a common carrier, and the evidence disclosed that the said operation to Leadville and Grand Junction can be combined, thus insuring an adequate, dependable, permanent and profitable common carrier operation for points Leadville to Grand Junction, it would seem to be desirable, if separate certificates are to be granted for severable operations, that Mr. Colman be granted a certificate to Leadville. We doubt the desirability of combining Leadville operations, either jointly or severally, with Breckenridge and South Park operations. The record further discloses that Mr. Colman has a history of satisfactory, dependable line haul truck freight service; that he has a great number of customers in Leadville who desire his service, and that his application is endorsed by various Leadville organizations. He is well equipped from the standpoint of motor vehicles available for the operation, has ample resources to purchase additional equipment, maintains terminal garages and pick-up service at Denver, Leadville, Grand Junction and elsewhere, and has common carrier connections south from Pueblo and points intermediate Leadville to Pueblo.

The evidence, in our opinion, did not disclose that the public convenience and necessity, either present or future, requires the granting of a certificate for the hauling of ore, coal, mining supplies and other heavy

commodities either to or from the South Park district.

After a careful consideration of the record, the Commission is of the opinion, and finds, that the applications of M. L. Miller, John Shull, Gately Motor Company, William E. Barlow and Frank W. Egley, should be denied, and that the public convenience and necessity requires the motor vehicle common carrier operations of Robert Colman between Denver and Leadville, and the proposed motor vehicle common carrier operations of H. M. Hitchcock and B. W. Hitchcock, copartners, doing business as Hitchcock Truck Line, for the transportation of freight and express between Denver and Kokomo and all intermediate points, including Bailey, Shaffers Crossing, Grant, Jefferson, Como, Fairplay, Alma, Breckenridge, Dillon and Frisco, and that certificates of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the applications of M. L. Miller, John Shull, Gately Motor Company, William E. Barlow and Frank W. Egley, should be, and they hereby are denied.

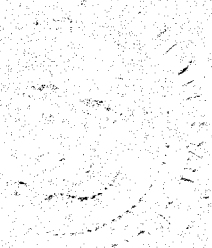
IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed motor vehicle common carrier operations of Robert Colman, doing business as Colman Freight Service, for the (transportation of freight and express between Denver and Leadville,) and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the public convenience and necessity requires the proposed motor vehicle common carrier operations of H. M. Hitchcock and B. W. Hitchcock, copartners, doing business as Hitchcock Truck Line, for the transportation of freight and express between Denver and Kokomo, Colorado, and all intermediate points, including Bailey, Shaffers Crossing, Grant, Jefferson, Como, Fairplay, Alma, Breckenridge, Dillon and Frisco, over U. S. Highway 285 Denver to Fairplay, Colo. State Highway 9 Fairplay to Dillon, and State Highway 91 Dillon to Kokomo, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicants shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of the Commission Governing Motor Vehicle Carriers within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicants shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicants with the rules and regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward T. Dineen
W. C. Danks
Ernest E. Erickson
Commissioners

Dated at Denver, Colorado,
this 4th day of November, 1936.

~~CONTROL~~ JV

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS)
OF J. B. LEASURE.)
-----)

CASE NO. 1690

November 4, 1936.

S T A T E M E N T

By the Commission:

On July 21, 1936, by Decision No. 8051, the Commission cancelled private permit A-445 of J. B. Leasure for failure to file list of customers and description of equipment.

On July 30, 1936, permittee, by Marion F. Jones, his attorney, filed application to set aside said order and reinstate said permit on the ground that Mr. Leasure had only one customer, namely, Continental Oil Company, and one piece of equipment, and presumed, inasmuch as said customer's name and said description of equipment appeared on his application and report, that it was not necessary to file a formal list of customers or formal list of equipment. However, he tendered such lists with his application to vacate said order.

After careful consideration of the record, the Commission is of the opinion and finds that said decision should be vacated, set aside and held for naught, and that said permit should be reinstated and the instant case dismissed.

O R D E R

IT IS THEREFORE ORDERED, That said decision of the Commission of date July 21, 1936, being Decision No. 8051, should be, and the same hereby is vacated, set aside and held for naught, and said permit No. A-445 should be, and the same hereby is reinstated.

IT IS FURTHER ORDERED, That said Case No. 1690 should be, and

Handwritten notes: "Sub", "m, m", "10/3" with a signature.

the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

Wesley W. Wicks

Wesley W. Wicks

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

BH

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
JOHN DEINES, JR.)

CASE NO. 1712

November 4, 1936.

S T A T E M E N T

By the Commission:

On July 23, 1936, the Commission in Decision No. 8074, duly made and entered of record in the above styled matter, cancelled private permit A-578 on account of failure of permittee to file list of customers and description of equipment.

On September 8, 1936, said John Deines, Jr., filed list of customers and description of equipment, and asked that his permit be reinstated.

After a careful consideration of the record, the Commission is of the opinion and finds that said Decision No. 8074 should be set aside, vacated and held for naught, and said permit reinstated and Case No. 1712 dismissed.

O R D E R

IT IS THEREFORE ORDERED, That said Decision No. 8074 of date July 23, 1936, should be and the same hereby is set aside, vacated and held for naught, and that said permit A-578 should be, and the same hereby is reinstated.

IT IS FURTHER ORDERED, That Case No. 1712 should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. C. Danks
Wesley E. Eason
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL
740-I

(Decision No. 8684)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

SOUTHWESTERN TRANSPORTATION COMPANY,)
Complainant,)
vs.)
WILLIAM L. SIMPSON, DOING BUSINESS AS)
SIMPSON TRANSPORTATION COMPANY,)
Respondent.)

CASE NO. 1821

November 4, 1936.

S T A T E M E N T

By the Commission:

Heretofore, to-wit, on the 5th day of August, 1936, the Commission entered its decision No. 8216, assessing a penalty of \$50 against respondent for certain violations of the rules and regulations of the Commission, therein particularly set forth.

Thereafter, said respondent, by George Swerer, Esq., his attorney, asked that said order be modified and that said penalty be reduced to the sum of \$25, he tendering said amount in settlement thereof.

After a careful consideration of the record, the Commission is of the opinion and finds that said order aforesaid should be modified as requested, and that said respondent should be required to pay a penalty of \$25 in lieu of the penalty of \$50 assessed in said order, and that upon payment thereof, said order and said penalty shall be considered as satisfied and said proceeding terminated.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that respondent, William L. Simpson, doing business as Simpson Transportation Company, should be, and he hereby is assessed and required to pay a penalty of \$25.00 in lieu of the penalty of \$50.00 assessed in the order of the Commission of

date August 5, 1936, Decision No. 8416, within ten days from the date of this order, and that upon payment thereof, said order and said penalty shall be considered as satisfied and the instant proceeding terminated.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. L. [Signature]

W. D. [Signature]

Walter [Signature]
Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF SEVERIN PEDERSON FOR AUTHORITY)
TO TRANSFER TO CHARLES H. HAYES AND)
HARRY ROBINSON P.U.C. NO. 575.)

APPLICATION NO. 1827-A.

November 4, 1936.

Appearances: Severin Pederson, Lander, Wyoming,

PRO SE;

L. A. Crofts, Esq., Lander, Wyoming,
for applicants Hayes and Robinson;

Z. D. Bohrer, Esq., Denver, Colo.
for The Motor Truck Common Carriers
Association;

Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;

Sidney Jacobs, Esq., 526 E. & C. Building,
Denver, Colorado for Universal Cooperative
Association of Denver;

Grant E. McKee, Esq., 730 Symes Bldg., Denver,
for Smith-Brooks Printing Company;

B. B. Johnson, Denver, for Quinn and McGill
Motor Supply Company;

J. N. Carson, Denver, Colorado, for Carson
Crockery Company.

S T A T E M E N T

By the Commission:

On July 6, 1931, Severin Pederson, by Decision No. 3510, Application No. 1827, was authorized to operate as a motor vehicle common carrier in interstate commerce only, for hire, for the transportation of freight between Denver and the Colorado-Wyoming state line at a point where U. S. Highway No. 285 crosses the same, and interstate permit 575 issued to him pursuant to said order.

He now seeks authority to transfer said permit to Chas. H. Hayes and Harry Robinson, copartners, doing business as Hayes-Robinson Transportation Company, and when the application was filed herein check of said Hayes-Robinson Transportation Company for \$1,000.00, the consideration for said transfer, was delivered to the Commission, the proceeds thereof to be distributed by the Commission to such creditors of said Severin Pederson as might establish claims against him, the balance to be remitted to said

Severin Pederson.

Due notice of the time and place of said hearing was given to applicants and to all persons known to the Commission who might have claims against said operation.

At the hearing, the following claims were established to the satisfaction of the Commission:

Universal Cooperative Association of Denver .	\$43.32
W. A. Hover Drug Company	44.80
Pioneer Auto Wrecking & Metal Company	4.00
Carter, Rice and Carpenter Paper Company	32.20
Cudahy Packing Company	86.51
Eaton Metal Products Company	18.48
Swift & Company	14.00
Smith-Brooks Printing Company	21.50
George A. Pullen Stove & Furnace Repair Co	6.75
Motor Truck Common Carriers Association	27.74
Quinn and McGill	60.00
Carson Crockery Company	37.08
Colorado Milling and Elevator Company	202.50
Montgomery-Ward & Company	28.06

\$626.94

After a careful consideration of the record, the Commission is of the opinion and finds that said transfer should be authorized, provided that claims in the amounts heretofore allowed are paid.

O R D E R

IT IS THEREFORE ORDERED, That the claims of the following named claimants in the amounts set after their respective names are correct and should be paid out of the funds in the hands of the Commission:

Universal Cooperative Association of Denver . .	\$43.32
W. A. Hover Drug Company	44.80
Pioneer Auto Wrecking & Metal Company	4.00 ✓
Carter, Rice and Carpenter Paper Company	32.20 ✓
Cudahy Packing Company	86.51 ✓
Eaton Metal Products Company	18.48
Swift & Company	14.00
Smith-Brooks Printing Company	21.50
George A. Pullen Stove & Furnace Repair Co	6.75
Motor Truck Common Carriers Association	27.74
Quinn and McGill	60.00
Carson Crockery Company	37.08
Colorado Milling and Elevator Company	202.50
Montgomery Ward & Company	28.06

Total

626.94

IT IS FURTHER ORDERED, That the balance of the sum of \$1,000.00 received by the Commission, to-wit; \$373.06, should be paid to said Severin Pederson.

IT IS FURTHER ORDERED, That E. E. Pollock, Secretary of the Commission, be, and he is hereby, appointed Trustee for the purpose of disbursing in conformity with this order said sum of \$1,000.00, which has been deposited in the form of a check with the Commission, and upon completion of said disbursement, said Trustee, E. E. Pollock, shall file his report with cancelled checks attached with the Commission, showing his action in the premises.

IT IS FURTHER ORDERED, That transfer of said interstate permit No. 575 by Severin Pederson to Charles H. Hayes and Harry Robinson, co-partners, doing business as Hayes-Robinson Transportation Company, should be, and the same hereby is authorized.

IT IS FURTHER ORDERED, That said interstate permit No. 575 hereafter shall be designated as Interstate Permit No. 575-I.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen
W. C. Danks

Dated at Denver, Colorado
this 4th day of November, 1936.

Walter E. Sisk
Commissioners.

8/15/36

CONTROL

(Decision No. 8686)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF SOUTHERN COLORADO POWER COMPANY)
FOR A CERTIFICATE OF PUBLIC CONVEN-)
IENCE AND NECESSITY TO EXERCISE)
FRANCHISE RIGHTS GRANTED TO APPLI-)
CANT BY THE BOARD OF COUNTY)
COMMISSIONERS OF THE COUNTY OF)
PUEBLO, STATE OF COLORADO.)

APPLICATION NO. 3662

October 31, 1936.

S T A T E M E N T

By the Commission:

This is an application for a certificate of public convenience and necessity authorizing the exercise by the applicant of certain franchise rights granted by the Board of County Commissioners of the County of Pueblo, State of Colorado, said rights being granted on October 15, 1936, by resolution adopted on said day and spread upon the records of said Board.

It furthermore appears from the application on file, as well as from the records of the Commission, that no other utility, corporation or person, has any interest in the instant application other than applicant and said Board of County Commissioners, and the Commission, therefore, has determined to pass upon said application without formal hearing and upon the verified application, including the documents attached thereto.

The franchise granted by said Board of County Commissioners extends for a period of 25 years from said October 15, 1936, and grants the right "to construct, maintain, renew, repair and operate lines of poles with the necessary wires, appliances and appurtenances, including telephone wires used in connection therewith, over, upon, along, under and across any and all public highways and bridges now existing or hereafter laid out or constructed, in the County of Pueblo and State of Colorado, for the purpose of transmitting, selling and furnishing electricity to the inhabitants of said County and the public in general in said State of Colorado for illuminating, heating, power

and all other purposes to which the same may be applicable."

The verified application discloses that applicant is a public utility within the meaning of the Public Utilities Act of this State, and is now engaged in the business of generating electrical energy by steam power plants located in Pueblo and Fremont counties, and by a water power plant located in Skaguay, in Teller County, and in transmitting and distributing such electrical energy by means of transmission and distribution lines in the County of Pueblo, as well as other counties in this State, which electrical energy it sells for light, heat, power and other purposes, either directly to consumers or wholesales the same to other public utilities for distribution and sale.

The principal office of applicant is at Pueblo, Colorado, and it is a corporation duly organized and existing by virtue of the laws of this State, and has been such corporation since November 14, 1911. Its entire system is all inter-connected by transmission lines. The rural population in the County of Pueblo, which the franchise obtained from the Board of County Commissioners authorizes it to serve, is estimated to be 12,370, and applicant is now serving some 711 customers in said County outside of the cities and towns therein situated.

It further appears that no other public utility has any plant or facilities for the generation of electrical energy or any transmission lines for the distribution of such energy within said County of Pueblo, and that applicant is the only company in a position to offer the rural inhabitants of said county such service.

It further appears that the present capital investment of applicant in the County of Pueblo, outside of the incorporated cities and towns, is approximately \$182,000.00. However, the fixing of this figure and its adoption by the Commission for the purpose of determining the fee for issuance of certificate herein, shall not preclude the Commission from adopting a different value should the question of valuation arise in a rate hearing or any subsequent proceeding where valuation may be an issue.

After a careful consideration of the record and the evidence, the

Commission is of the opinion, and so finds, that the public convenience and necessity require the acceptance of and the exercise by applicant of the franchise rights granted to it by the Board of County Commissioners of Pueblo County, Colorado.

O R D E R

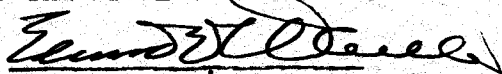
IT IS THEREFORE ORDERED, That the public convenience and necessity require the acceptance of and the exercise by applicant of the franchise rights granted to it by the Board of County Commissioners of the County of Pueblo, Colorado, by resolution adopted October 15, 1936, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That applicant shall file its rate schedules, rules and regulations, set up its books and accounts in agreement with the Uniform Classification of Accounts, and in all respects bring its practices as to testing, consumers' deposits and operations, and its records of meters, transformers and complaints into compliance with the Commission's requirements, within twenty days from the date hereof.

IT IS FURTHER ORDERED, That failure of the applicant to comply as ordered above within said specified period, shall nullify and automatically revoke at the end of said period the authorization herein granted, but subject to any further action or modification the Commission may order in the premises.

Commissioner Erickson absent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 31st day of October, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
FRANK KRONKOW AND EARL MORGAN.)

CASE NO. 1832

October 28, 1936.

Appearances: Richard E. Conour, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for
the Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

After receiving complaints that the respondents, Frank Kronkow and Earl Morgan of Fort Morgan, Colorado had transported livestock in violation of law and the terms and provisions of Commercial Permit No. C-3883, under which authority the respondents conducted their operations, the Commission on its own motion entered a show cause order on September 2, 1936, requiring the respondents to appear and explain the charges which had been made.

The case was regularly set for hearing at the State Office Building, Denver, Colorado, for 10:00 o'clock A. M., September 22, 1936, at which time and place the respondents for some cause failed to appear. The testimony presented disclosed that the respondents had transported livestock to Denver, for hire, without first obtaining authority from the Commission; that the movement had been strictly a for hire movement; that Morgan, in some way is interested in the operations under Commercial authority No. C-3883; that this particular shipment was from a point east of Akron to Denver and the rate charged was 30 cents, all of which will appear from the sworn statement made by Frank Kronkow, under date of July 28, 1936, which statement was marked Exhibit 2, in this case.

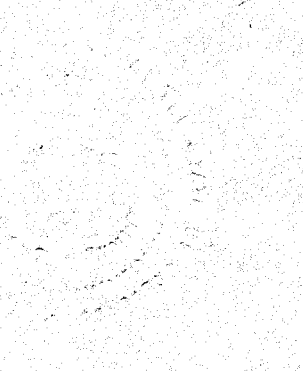
When respondents were interviewed about this particular transaction which took place on July 22, 1936, each of them admitted their familiarity with the entire transaction and apparently had no explanation to offer.

The instant matter presents a clear case of careless business practice and disregard for the rules and regulations of the Commission and the Commission is of the opinion and finds that this admitted violation should be forcibly brought to the attention of the respondents and that their authority should be suspended for a period of thirty days.

O R D E R

IT IS THEREFORE ORDERED, That in the instant case Commercial Permit No. C-3883 be, and the same hereby is, suspended for a period of thirty days commencing November 1, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Edward W. Danks
W. H. Danks
Walter E. ...
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)

RAY J. GRAY.)

CASE NO. 1833

* * * * *
October 28, 1936.
* * * * *

Appearances: Richard E. Cenour, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado, for
the Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

After complaints had been brought to the attention of the Commission concerning certain violations committed by the respondent, the Commission, on its own motion, under date of September 2, issued a show cause order that respondent appear and give full explanation of the charges.

This case was regularly set for hearing at the State Office Building, Denver, Colorado at 10:00 o'clock A. M., the 22nd day of September, 1936, at which time and place the respondent failed to appear.

The testimony given at the hearing disclosed that the respondent did on July 27, 1936, transport a load of livestock from Akron, Colorado, consigned to Denver Livestock Commission Company, for hire, in violation of the provisions of the Commercial Carrier Act.

Mr. Keegan, appearing for the Commission, stated that on interviewing the respondent, he admitted having violated the provisions of the Commercial Carrier Act by using his authority to transport livestock for hire as charged in the show cause order and apparently had no explanation to offer for his conduct.

After careful consideration of the record and the testimony, the Commission finds that the respondent, Ray J. Gray, openly violated the law, terms and provisions of his Commercial Permit and has exceeded the authority thereby

granted, as charged in the show cause order and that this violation should be forcibly brought to his attention by the suspension of his authority for a period of thirty days.

O R D E R

IT IS ~~THEREFORE~~ ORDERED, That Commercial Permit No. C-1510 held by Ray J. Gray of Akron, Colorado be, and the same hereby is suspended for a period of thirty days effective November 1, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Brien
W. D. Danks
Walter E. Eick
Commissioners

Dated at Denver, Colorado,
this 28th day of October, 1936.

1693

CONTROL 20

(Decision No. 8734)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1693

* * *

IN THE MATTER OF THE APPLICATION)
OF RAY SUTTON FOR A PERMIT TO) APPLICATION NO. 3644-PP
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 4, 1936.

S T A T E M E N T

By the Commission:

On October 9, 1936, applicant filed his application for a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of coal and road surfacing material from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objections to the issuance of permits of this character without notice or hearing, the Commission has determined to hear said matter upon the application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ray Sutton should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of coal and road surfacing material from point to point within a radius of fifty miles of Denver, Colorado.

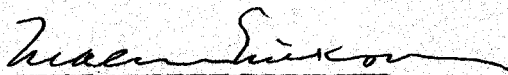
IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO







Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

CONTROL 24
APR

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1782

IN THE MATTER OF THE APPLICATION)
OF J. C. LARSEN, BOULDER, COLORADO,))
FOR AN EXTENSION OF AUTHORITY)
GRANTED IN DECISION NO. 7240.)

APPLICATION NO. 2851-PP-B.

November 4, 1936.

Appearances: Mr. J. C. Larsen, Boulder, Colorado,
pro se;
Mr. A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for Vane Golden, Ralston Truck Service,
Sorenson Truck Line, et al.

S T A T E M E N T

By the Commission:

On February 24, 1936, in Decision No. 7240, the applicant herein was granted authority to transport ore and crude oil, and in the instant application seeks to have this authority extended to include wheat, hay, mining machinery and household goods, for customers residing in the same area described in his original application.

At the hearing, it was disclosed that the applicant conducts the Standard Machine Works at Boulder, Colorado, and in connection with this business has a truck which is driven by the applicant's brother, and an arrangement has been entered into whereby the brother is doing such outside trucking as he can on a percentage basis, it appearing that the machine works did not need the truck at all times. The applicant admitted that the trucking business, so far as he was concerned, was a side line to take up the time of his brother when not needed at the machine works.

He further stated that he desired authority to transport household goods for old customers in Boulder County; that he did not care to enter into

The applicant stated that Mr. Rhyno, holder of certificate No. 949, who has authority to serve practically the same area sought to be served by the applicant, had plenty of trucks, he thought four, that they were not all busy, in fact he thought Rhyno used only about two in his business and that he knew of no freight movements in Boulder County, other than the movement of grain from threshing machines, which had been delayed on account of the shortage of trucks.

It was also admitted that a number of common carriers in addition to Rhyno, particularly Yockey, Golden, Sorenson, Colorado Rapid Transit and Overland Motor Express had authority to serve Boulder County, many of them with authority to handle mining machinery and household goods.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that there is adequate common carrier service to take care of the transportation needs in Boulder County, the area sought to be served by the applicant, in all respects, except grain from threshing machines, and that this additional authority only should be granted to the applicant.

O R D E R

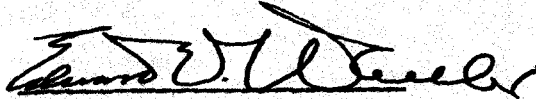

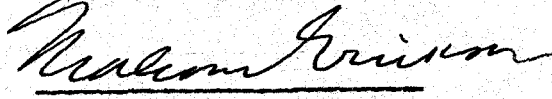
IT IS THEREFORE ORDERED, That the authority of J. C. Larsen, as granted in Decision No. 7240, be and the same hereby is extended to include the transportation of small grain from threshing machines operating in Boulder County, to storage and to markets at Boulder, Longmont and Denver.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be made a part of the permit heretofore granted to applicant and herein authorized to be extended.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

DAT
Dated at Denver, Colorado
this 4th day of November, 1936.




Commissioners.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF OLA JENKINS FOR A CLASS BE PER-)
MIT TO OPERATE AS A PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3540-PP.

B-1703

November 4, 1936.

Appearances: Ola Jenkins, Las Animas, Colorado,
pro se;
A. J. Fregeau, Denver, Colorado, for
Jackson Transfer & Storage Company
and The Motor Truck Common Carriers
Association;
C. D. Young, Denver, Colorado, for The
Colorado Trucking Association, Evans
Transfer, H. Hayhurst and Manzanola
Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit which, as limited by the testimony offered at the hearing, would authorize him to operate as a Class "B" private carrier by motor vehicle for hire for the transportation of beets and alfalfa from farms within a radius of ten miles of Las Animas to loading points and mills in said area, and the transportation of grain from farms in Kiowa County to feed lots within a radius of 10 miles of Las Animas.

There was no objection to the issuance of permit as limited.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ola Jenkins, of Las Animas, should be and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of beets and alfalfa from farms within a radius of 10 miles of Las Animas to loading points and mills in said area, and the transportation of corn from farms in Kiowa County to feed lots within a radius of 10 miles of Las Animas, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dineen
W. L. Danks
Walter E. Erickson

Commissioners.

Dated at Denver, Colorado,
this 4th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF C. R. JORDAN FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3645-PP.

November 4, 1936.

S T A T E M E N T

By the Commission:

On October 8, 1936, C. R. Jordan filed his application for a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of sand and gravel only from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objections to the issuance of permits of this character without notice or hearing, the Commission has determined to hear said matter upon the application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That C. R. Jordan should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand and gravel only from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deane
W. C. Danks

Dated at Denver, Colorado,
this 4th day of November, 1936.

W. C. Danks
Commissioners.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELBERT COUNTY FOR THE OPENING OF A)
PUBLIC HIGHWAY OVER THE RIGHT OF WAY)
AND TRACK OF THE CHICAGO, ROCK ISLAND)
AND PACIFIC RAILWAY COMPANY AT A)
POINT WHERE THE RAILROAD TRACK AND)
RIGHT OF WAY CROSS THE SECTION LINE)
BETWEEN SECTIONS 16 and 17, TOWNSHIP)
9 SOUTH, RANGE 57 WEST OF THE 6th)
P.M., ELBERT COUNTY, COLORADO.)

APPLICATION NO. 2301

November 7, 1936.

Appearances: D. Edgar Wilson, Esq., Denver, Colorado, for
Chicago, Rock Island & Pacific Railway Co.

S T A T E M E N T

By the Commission:

On March 7, 1935, the Board of Commissioners of Elbert County, Colorado, filed an application with the Commission for the opening and establishment of a public highway grade crossing on the section line between Sections 16 and 17, Township 9 South, Range 57 West of the 6th P.M., Elbert County.

The application alleged that there is now a highway that connects River Bend with Highway 40 South on which there is now a private crossing at this point to reach said highway. But for the service and accommodation of the public it is necessary that this private crossing be converted into a public crossing.

A copy of the application was duly served on the Chicago, Rock Island and Pacific Railway Company, and on April 17, 1936, the attorneys for the railway company advised the Commission that while the company reaffirmed its adherence to a policy of opposition to the creation of additional grade crossings, yet if it was the opinion of the Commission that this application should be granted, the Company believed that the public authorities should bear all the expense of the conversion of this crossing into a public crossing.

The County Commissioners of Elbert County were advised of the attitude of the railway company in the matter and were requested to advise the Commission if they were willing to bear the expense incident to the conversion of the private

crossing into a public crossing, and although several letters were written to them, the Commission was unable to get any reply as to the matter of expense.

The Commission thereupon set the matter down for hearing on Monday, May 11, 1936, at the Hearing Room of the Commission in Denver, Colorado.

At that time no one appeared for the County Commissioners, but the Company was represented by its attorney.

A witness for the railway company testified for the Company that the present private crossing crosses the railroad about 125 feet from a pile bridge of the railroad that provides a passageway for a creek or watercourse that parallels the railroad on the south and about 334 feet from the railroad at the private crossing. It was the opinion of the company's witness that if the crossing was made a public crossing that a bridge should be put in over this watercourse with a clearance of at least three and one-half feet. If this were not done, high water might be diverted by the watercourse crossing against the railroad, and cause serious damage to the railroad. Also, it was testified that two higher telegraph poles would be required to give proper clearance of wires. In other respects there was no objection to the crossing.

Inasmuch as no one appeared for the County it is assumed that the Commissioners were fully informed as to the conditions by which the application might be granted, and therefore had no objection to them.

After considering the record in this matter and hearing the testimony that was offered, the Commission is of the opinion and finds that this application should be granted, but as this change is entirely for the benefit of the public, the Commission is also of the opinion that the County of Elbert should bear all the expense that may be incurred in the conversion of this crossing into a public crossing.

ORDER

IT IS THEREFORE ORDERED, In compliance with Section 29 of the Public Utilities Act as amended, that a public highway crossing, at grade, is hereby permitted to be opened and established across the right of way and track of the Chicago, Rock Island and Pacific Railway Company at a point where the tracks of said company cross the line between Sections 16 and 17, Township 9 South, Range

57 West of the 6th P.M., Elbert County, Colorado, which point is where there is now a private crossing; provided, however, that prior to opening of said crossing for public use it shall be constructed or reconstructed in accordance with the Commission's plans and specifications as set out in Case No. 879.

IT IS FURTHER ORDERED, That the Railway Company shall make an estimate of the cost of converting the private crossing referred to herein into a public crossing including the cost of raising telegraph wires, cattle guards and wing fences and signs that may be necessary, and submit same to the Board of County Commissioners of Elbert County, and secure the approval of same before any work is done in the conversion of said private crossing into a public crossing. Final settlement for these costs shall be made upon the actual costs for material and labor. The Company shall thereafter maintain the crossing and the crossing accessories in good condition. The County shall bear all expense necessary to improve the approaches to the crossing on the highway and thereafter maintain same in good condition.

IT IS FURTHER ORDERED, That the County of Elbert shall make such provision in the crossing of the highway over the creek or watercourse, near said grade crossing and heretofore referred to, as to prevent any damage to the railroad by high waters in the creek, preferably by a bridge with three and one-half feet clearance or more if necessary.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Erickson

W. C. Danks

Commissioner Erickson absent.

Dated at Denver, Colorado,
this 7th day of November, 1936.

Commissioners.

CONTROL *[initials]*

a-1098

(Decision No. 8803)

[Handwritten initials]

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
J. C. GORDON.) PRIVATE PERMIT NO. A-1098
-----)

November 7, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from J. C. Gordon, of Colorado Springs, Colorado, holder of Private Permit No. A-1098, stating:

"I am not operating under my permit now and wish to have it suspended until such time as I do."

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be suspended for a period of six months.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-1098, heretofore issued to J. C. Gordon, be, and the same hereby is, suspended for a period of six months from the date of this order provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]
[Signature]
[Signature]
Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1936.

~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
RAY M. PLUMB.)
-----)

INTERSTATE PERMIT NO. A-1174-I ✓
COMMERCIAL PERMIT NO. C-4437 ✓

November 7, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Ray M. Plumb, of Longmont, Colorado, holder of Commercial Permit No. C-4437 and Interstate Permit No. A-1174-I, requesting that his permits be cancelled.

After careful consideration, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Commercial Permit No. C-4437 and Interstate Permit No. A-1174-I, heretofore issued to Ray M. Plumb of Longmont, Colorado, be, and the same are hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

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William Epison
Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * * *

RE MOTOR VEHICLE OPERATIONS OF)
CRIPPLE CREEK AUTO SALVAGE.)

CASE NO. 1990

November 10, 1936

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a commercial permit authorizing such respondent to engage in the business of a commercial carrier by motor vehicle.

The records of the Commission further disclose that respondent has failed to file reports as provided by law for the months of December, 1935, and January to August, 1936, inclusive, and that notices of such failure have been returned by the post office department marked "OUT OF BUSINESS."

After careful consideration, the Commission is of the opinion, and finds, that said Permit No. C-2074 should be revoked and cancelled without further notice.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-2074, heretofore issued to Cripple Creek Auto Salvage, be, and the same is hereby, revoked and cancelled, effective as of this date.

Commissioner Erickson Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. C. Farrell
W. L. D. ...
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
MOUNTAIN MERCANTILE COMPANY.) CASE NO. 1991

November 10, 1936

S T A T E M E N T

By the Commission:

The records of the Commission disclose that the above named respondent was heretofore issued a commercial permit authorizing such respondent to engage in the business of a commercial carrier by motor vehicle.

The records of the Commission further disclose that respondent has failed to file reports as provided by law for the months of March, April, May, June, July, August, 1936, and that notices of such failure have been returned by the post office department marked "OUT OF BUSINESS."

After careful consideration, the Commission is of the opinion, and finds, that said Permit No. C-1801 should be revoked and cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. C-1801, heretofore issued to the Mountain Mercantile Company, be, and the same is hereby, revoked and cancelled, effective as of this date.

Commissioner Erickson Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. O'Connell
W. L. Danks
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1936.

CONTROL *xy*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
CHARLES E. HARTZLER.)

PRIVATE PERMIT NO. B-1563

November 7, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Charles E. Hartzler, of Colorado Springs, Colorado, stating that he is disposing of his truck and no longer desires to operate as a private carrier by motor vehicle for hire.

After careful consideration, the Commission is of the opinion, and so finds, that said permit should be cancelled.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1563, heretofore issued to Charles E. Hartzler, of Colorado Springs, Colorado, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

[Signature]

[Signature]

[Signature]
Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL *gy*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
R. H. HARLOW.)

PRIVATE PERMIT NO. B-1515
INTERSTATE PERMIT NO. B-1515-I

November 7, 1936.

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from R. H. Harlow, of Cheyenne, Wyoming, holder of Private Permit No. B-1515 and Interstate Permit No. B-1515-I, requesting that said permits be suspended for a period of six months with the proviso that same may be reinstated when he again resumes operations.

After careful consideration, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1515 and Interstate Permit No. B-1515-I, heretofore issued to R. H. Harlow, of Cheyenne, Wyoming, be, and the same are hereby, suspended for a period of six months from the date of this order provided, however, that during said suspension period, said permits may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permits are not re-instated during said suspension period, then said permits shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Dene

W. H. Danks

William G. Quinn

Commissioners

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
OLIVE GRACE KINION FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3530-PP

November 7, 1936.

Appearances: Olive Grace Kinion, Ordway, Colorado,
PRO SE;
A. J. Fregeau, Denver, Colorado, for
Weicker Transportation Company and
Jackson Transfer and Storage;
C. D. Young, Denver, Colorado, for
Colorado Trucking Association,
Joseph Lee, Ben Tillotson, Fowler
Truck Line and Manzanola Transfer.

S T A T E M E N T

By the Commission:

Applicant herein seeks authority to operate as a Class B private carrier by motor vehicle for hire for the transportation of coal and farm products (including live stock) from, to and between points within a radius of 25 miles of Ordway, Colorado.

The evidence disclosed that applicant's proposed operation consists of the transportation of coal from Florence and Canon City to Ordway and points within a radius of 10 or 12 miles thereof, and the transportation of farm products, chiefly melons, beets, tomatoes and feed, from farms within a radius of 12 miles of Ordway to shipping points in said area, and the occasional transportation of farm products from said farms to other points in the State.

It appeared that the Fowler area is served by Lee and Tillotson, who also operate a line haul service between Fowler and Pueblo. The Ordway area is served by J. L. Williams under certificate of public convenience and necessity No. 369. Said certificate holders, Tillotson, Lee and Williams, have no objection to said applicant's proposed service so far as it involves the transportation of farm products from fields within a radius of 12 miles of Ordway to shipping points in said area, the transportation of coal from mines in the Canon City

Florence coal fields to points in said area or the transportation of sand and gravel within a radius of 50 miles of Ordway (said applicant having asked to amend said application to include such service), but they object to the transportation of such commodities between Ordway and Pueblo, Fowler and Pueblo, and points intermediate thereto in competition with their line haul services. It further appeared from the evidence that such competitive service would impair the efficiency of their operations which now serve said territory adequately.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit, insofar as it involves transportation service in competition with line haul carrier service over U. S. Highway 96 and U. S. 50, should be denied, and that said permit limited to the transportation of farm products (including live stock) from farms within a radius of 12 miles of Ordway, Colorado, to Ordway and other shipping points in said area, and from said farms to points in the State of Colorado, excepting points on U. S. Highways 96 and 50, the transportation of coal from mines in the Florence-Canon City coal district to points in said area, and the transportation of sand and gravel from point to point within a radius of 50 miles of Ordway, should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Olive Grace Kinion should be, and she hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of (a) coal from mines in the Florence-Canon City coal district to points within a radius of 12 miles of Ordway; (b) farm products (including live stock) from fields and farms within a radius of 12 miles of Ordway to Ordway and other shipping points in said area; (c) farm products (including live stock) from fields within a radius of 12 miles of Ordway to points in the State of Colorado, excepting, however, service to points on U. S. Highways 96 and 50; and (d) sand and gravel from point to point within a radius of 50 miles of Ordway.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. H. Danks

Walter E. Emerson

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

B

CONTROL *JP*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ELMER EADS OF ROCKY FORD FOR A)
GLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE.)

APPLICATION NO. 3526-PP

November 7, 1936.

Appearances: Elmer Eads, Rocky Ford, Colorado,
 pro se;
 A. J. Fregeau, Denver, Colorado, for
 Jackson Transfer and The Motor
 Truck Common Carriers Association;
 C. D. Young, Denver, Colorado, for Las
 Animas Transfer, Evans Transfer,
 Menzanola Transfer and The Colorado
 Trucking Association.

S T A T E M E N T

By the Commission:

Elmer Eads herein seeks a permit which, as limited by the testimony offered at the hearing, would authorize him to operate as an intrastate class B private carrier by motor vehicle for hire for the transportation of onions from farms in the Arkansas Valley to Rocky Ford, Fowler or Las Animas, with possible occasional movements of small quantities of onions from Las Animas or Fowler to Rocky Ford for shipment or storage.

The evidence disclosed that applicant is employed by Rocky Ford Onion Growers Cooperative Association, which has a membership of about sixty farmers; that most of said farmers reside at or near Rocky Ford, a few members, however, being nearer Fowler or Las Animas than Rocky Ford; that said farmers are engaged in the production of onions and subsequent to harvest, it is necessary to move said onions from storage to loading stations or the warehouse at Rocky Ford; that practically all of said onions move to Rocky Ford where the warehouse of the Co-op is located, but occasionally some onions move to Fowler or to Las Animas for shipment because those points are nearer to the farms of members where onions are in storage; that on rare occasions, perhaps two or three times

a year, it may be necessary to transport onions from Las Animas or Fowler to Rocky Ford where they are loaded for shipment; that applicant is employed by the Association and is subject to call twenty-four hours a day, his truck at all times when not engaged in transportation service being available at the warehouse in Rocky Ford; that when not engaged in transportation work for the Co-op, applicant is otherwise employed by the warehouse; that he is familiar with the packing and heating requirements and can load a car for shipment properly without supervision from managing officers of the Association. The manager of the Association testified that it was absolutely essential that movement of the Association's onions be handled by some contract carrier who was available at all times; that he had tried other services, but had not found them satisfactory; that he could not afford to pay a per-hour rate to have some common carrier or other contract carrier furnish a truck for service whenever required; that all the hauls for the most part would not exceed one mile in length and that frequently were only a block or two; that he thought the contract price of 1-1/8 cents per 50-pound bag would furnish adequate compensation to carrier and was all that the Association could afford to pay; that Mr. Eads had been an employe of the Association for a long time and was qualified to handle the operation to the satisfaction of the Association.

The application was opposed by a number of common carriers, including Jackson Transfer, Manzanola Transfer and Fowler Truck Line. Witnesses for protestants stated that they were in a position to handle the movement of onions for the Association or anyone else requiring similar service. Mr. Jackson testified that he had some seven or more trucks available for such service; that his charge for use of truck, unless based on the mileage scale, was \$1.50 per hour, and that he needed all the business he could get to meet his overhead expense, including insurance, rent, road tax, etc.

While the Commission, insofar as transportation conditions and requirements of shippers will permit, is desirous of fostering and developing call and demand common carrier service, it is difficult to restrict truck service offered farmers to that furnished by one carrier. There must be a free flow of farm products to market.

After a careful consideration of the record, the Commission is of the opinion and finds that said Elmer Eads should be granted a Class A permit for the transportation of onions from farms and storage points in the Arkansas Valley to shipping points or warehouses at Rocky Ford, Fowler or Las Animas, for the Rocky Ford Onion Growers Cooperative Association only, said onions, however, to be transported at rates prescribed or to be prescribed by the Commission.

O R D E R

IT IS THEREFORE ORDERED, That Elmer Eads should be, and he hereby is granted a Class A permit to operate as a private carrier by motor vehicle for hire for the transportation of onions from farms or storage points in the Arkansas Valley to shipping points or warehouses in Rocky Ford, Fowler or Las Animas, for the Rocky Ford Onion Growers Cooperative Association only, without the right to transport onions between points served by line haul common carrier truck lines.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. DeLoach
W. L. Danks
Walter E. Smith
Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

(Decision No. 8829)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF C. W. GIBSON FOR A CLASS B)
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3355-PP
(Application for Modification of Order)

November 7, 1936.

S T A T E M E N T

By the Commission:

In Application No. 3355-PP, on August 20, 1936, the Commission by Decision No. 8301 granted a private permit to C. W. Gibson. Subsequently, applicant asked that said order be modified to include the transportation of live stock to South Fork, Alamosa and Denver, from points within a radius of twenty miles of Pagosa Springs.

Inasmuch as said service was not requested in the application, the Commission is of the opinion and finds that said request should be denied.

O R D E R

IT IS THEREFORE ORDERED, That said application of C. W. Gibson for modification of said Decision 8301 should be, and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Oliver
McDunk
Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL 4

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF WILLARD LOVITT FOR A PERMIT TO)
OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3566-PP

B-1738

November 7, 1936.

Appearances: C. D. Young, Denver, Colorado,
for E. E. Williams, Wood and Morgan,
Colorado Trucking Association and
E. E. Larrimore.

S T A T E M E N T

By the Commission:

Willard Lovitt filed his application for a Class B permit to operate as a private carrier by motor vehicle for the transportation of farm produce (no live stock) "from points 50 miles northwest of Dolores, Colorado, to Dolores or Cortez, Colorado".

Prior to the hearing on said application, applicant requested authority to change his application to include the right to transport farm produce only from point to point within a radius of fifty miles of Cahene, Colorado.

Applicant was excused from attending the hearing by the Commission, as it became necessary for him to leave prior to the time his case was reached. However, at the hearing, it was stipulated by those present that since the operation was confined to the transportation of farm produce, the Commission might issue the permit upon the verified application on file.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Willard Lovitt, of Dolores, Colorado, should be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire, for the transportation of farm produce, excluding live stock, from point to point within a radius of fifty miles of Cahene, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

~~Commissioner Erickson absent.~~

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. L. Danks
Wm. W. W. W.
Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JOE WADE FOR A PERMIT TO OPERATE AS) APPLICATION NO. 3559-PP
A CLASS "A" PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

November 7, 1936.

Appearances: Jas. N. Deegan, Esq., Cortez, Colorado,
attorney for applicant;
C. D. Young, Denver, Colorado,
for The Colorado Trucking Association;
Mollette and Clements, Esqs., Durango, Colorado,
for Wood and Morgan;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
A. J. Fregeau, Denver, (by T. A. White)
for Weicker Transportation Company and
Pueblo-San Luis Valley Transportation Company.

S T A T E M E N T

By the Commission:

As limited by the testimony at the hearing, applicant seeks a Class "A" private permit authorizing the transportation of live stock and farm products from Cortez to Denver, Colorado, with no service at intermediate points. He also seeks the right to transport general freight from Denver back to Cortez, with no service at intermediate points, for customers living at Cortez or in the vicinity thereof.

Applicant testified that he was willing to limit the trips from Cortez to Denver to not to exceed twelve trips per year, and as so limited, all objections to the granting of the permit sought were withdrawn by protestants.

The financial standing and operating reliability of applicant were established to the satisfaction of the Commission.

Cortez is the county seat of Montezuma County and is located 12 miles southwest of Dolores, the nearest railroad point. It was testified that no carrier is now authorized to transport live stock from the Cortez area to Denver. It was applicant's position that he could not transport truckloads

of cattle from said area to Denver unless he could obtain some freight as a back haul.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the evidence, permit should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Joe Wade, of Cortez, Colorado, be, and he is hereby, authorized to operate as a Class A private carrier by motor vehicle for hire, for the transportation of live stock and farm products from the Cortez area to Denver, Colorado, including the right to transport general freight from Denver to Cortez, without any service whatever to intermediate points, provided, however, that operations under this permit shall be limited to not to exceed twelve trips per year insofar as the right to transport general freight from Denver is concerned.

IT IS FURTHER ORDERED, That applicant shall advise the Commission in writing each time that he makes a trip to Denver and transports back any general freight between Denver and Cortez.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

~~Commissioner Erickson absent.~~

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Decker
W. H. Jones
Commissioners.
Walter Erickson
Commissioner

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
GEORGE R. SCHAAF FOR A PERMIT TO)
OPERATE AS A CLASS B PRIVATE CARRIER)
BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3563-PF

November 7, 1936.

Appearances: C. D. Young, Denver, Colorado, for
E. E. Williams, Wood & Morgan, and
The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On October 9, 1936, George R. Schaaf filed his application seeking the right to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm produce, excluding live stock, from point to point within a radius of fifty miles of Yellow Jacket, Colorado.

Applicant did not appear at the hearing, either in person or by counsel (he was present earlier in the day, but was excused by the Commission). However, it was stipulated by those present that as long as the operation was confined to the transportation of farm produce, the Commission might issue the permit upon the verified application on file.

It appears that Yellow Jacket is a small farming community in Montezuma County approximately 20 miles northwest of Cortez, the county seat, and 18 miles from Dolores, the nearest railroad point.

Our records disclose that the necessary insurance, customer list and equipment description, are on file with the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That George R. Schaaf, of Yellow Jacket, Colorado, should be, and he is hereby, authorized to operate as a Class B

private carrier by motor vehicle for hire, for the transportation of farm produce, (excluding live stock) from point to point within a radius of fifty miles of Yellow Jacket, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell

W. L. Danks

Malcolm Erickson

~~COMMISSIONER MALCOLM ERICKSON ABSENT.~~

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

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CONTROL *21*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
R. S. CHOATE.)
-----)

CASE NO. 1835

November 7, 1936.

Appearances: J. W. Hawley, Esq., Trinidad, Colorado,
for respondent;
W. L. Coney, Trinidad, Colorado, for
Coney Transfer and Storage.

S T A T E M E N T

By the Commission:

On September 7, 1929, in Application No. 1266, the Commission granted a certificate of public convenience to one M. B. Bennett, authorizing him to engage in the transportation of freight by motor vehicle as a call and demand common carrier from point to point within the city of Trinidad, he being required to "keep on file a tariff of rates identical with that of the Colorado Transfer and Warehousemen's Association".

On August 19, 1931, in Application No. 1266-A, Decision No. 3615, said Bennett was authorized to transfer said certificate to R. S. Choate, said transfer being subject to the following conditions:

"(a) That said R. S. Choate shall file and keep on file with this Commission, tariffs of rates which shall be not lower than those carried on file with the Commission by The Colorado Transfer and Warehousemen's Association, the first tariff to be filed within a period not to exceed twenty days from the date hereof.

"(b) Jurisdiction of the application herein shall be, and the same is hereby, retained to the end that if and as occasion may arise, appropriate orders may be made to prevent improper encroachment by the applicant, R. S. Choate, upon any other authorized operation."

On September 21, 1936, in the above styled case, the Commission entered its order directing that a complaint be instituted and a hearing and investigation be entered into to determine if the above named respondent

had violated the law and the terms and provisions of his certificate of public convenience and necessity in that he had, without authority, transported freight for hire to and from points outside the city limits of the city of Trinidad and had failed, refused and neglected to file monthly reports and pay the highway compensation tax required by law to be paid by common carriers by motor vehicle, and further requiring respondent to show cause within ten days from the date thereof why his certificate should not be suspended or revoked for the violations aforesaid.

The matter was heard at Trinidad on October 13, 1936.

The evidence disclosed that Mr. Choate had entered into a contract to perform certain pick-up and delivery service for the Colorado and Southern Railway Company and other railroads between their respective depots and points in the city of Trinidad, as well as certain points outside the city of Trinidad, to-wit, Pavetti Sausage plant, rodeo grounds, San Rafael Hospital, and triple "O" camp; that he had entered into contract to furnish such transportation service to and from the aforesaid points notwithstanding his certificate did not authorize him to haul commodities outside the city limits; that he picked up or delivered shipments at points other than the ground floor of shippers door or dock notwithstanding Rule 3 of Appendix B of the decision of the Commission in Case No. 1585, decision No. 7118 which provides:

"Except as otherwise specifically provided for, the rates herein prescribed cover transportation from ground floor of shipper's door or dock at the point of origin within the corporate limits of cities or towns to ground floor of consignee's door or dock at point of destination within the corporate limits of cities or towns",

he thereby rendering a transportation service for which neither he nor the carrier moving or to move said commodity has been compensated; that on a few occasions, he has moved freight from and to other points outside his territory, he having hauled furniture for Montgomery Ward from Trinidad to Tioga, furniture from Trinchera to Trinidad, and boxes and other refuse from S. H. Kress store to the city dump ground, he receiving for the last mentioned service \$6.00 per month for 12 trips per month; that he does not have a schedule of rates and charges on file with the Commission; that he has not been charging the rates

of Colorado Transfer and Warehousemen's Association as required by his certificate, or rates prescribed by the Commission for the transportation of furniture or other commodities within the city limits, but has been collecting "whatever they will pay"; that he has not filed reports for his operations without the city and has not paid highway compensation tax, but is willing to and will do so; that he has hauled some coal from mines in the neighborhood of Trinidad to Trinidad.

Mr. Choate also stated in his answer and in person at the hearing that his violation of the Public Utilities Act and the rules and regulations of the Commission was due to ignorance of limits of his certificate, was unintentional and is regretted by him; that he is willing to file reports of his activities, pay highway compensation taxes therefor, and to restrict his operation under his certificate to the territory authorized by the Commission and to meet any requirements of the Commission in Connection with his certificate or his operations thereunder in the future.

After a careful consideration of the record, the Commission is of the opinion and finds that Mr. Choate probably did not intentionally violate the law and that his delinquencies complained of, as well as those admitted by him, were due to ignorance of the law and the scope of the operation permitted under the certificate transferred to him. Under the circumstances, we have concluded not to revoke respondent's certificate and have decided to assess a penalty for the continued violation of the rules and regulations of the Commission in the manner aforesaid, under the provisions of Section 61 of the Public Utilities Act, and the Commission is of the opinion and so finds that respondent should cease and desist from operating without the scope of his certificate and should, within twenty days from the date hereof, file with the Commission a schedule of his rates and charges for services other than those embraced in the scale of rates and charges of the Colorado Transfer and Warehousemen's Association and hereafter to charge and receive the rates prescribed by the Commission for all service rendered by him as a carrier for hire, and that respondent should be assessed a penalty of \$25.00 for the aforesaid violations of the law and the rules and regulations of the Commission.

ORDER

IT IS THEREFORE ORDERED, By the Commission, that respondent, R. S. Choate, should be, and he hereby is assessed, ordered and required to pay a penalty of \$25.00 for the aforesaid violations of the rules and regulations of the Commission within twenty days from the date of this order, and the Commission has hereby retained jurisdiction of the instant case for such further proceedings as it may deem advisable.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. W. W. W.

W. L. Danks

Walter E. E.

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL

(Decision No. 8836)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
C. W. ANDERSON, DOING BUSINESS)
AS ANDERSON TRUCK LINE.)

CASE NO. 1618

MAKE

NO

COPY

[Handwritten signatures and initials]

November 7, 1936.

Appearances: C. W. Anderson, Denver, Colorado,
pro se;
R. E. Conour, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On March 13, 1936, the Commission entered its order requiring respondent to show cause why private permit No. A-719, heretofore issued to C. W. Anderson, doing business as Anderson Truck Line, should not be suspended or revoked on account of the violation by the said C. W. Anderson of the law and the rules and regulations of the Commission governing private carriers, it being alleged in said show cause order that said Anderson was operating under said private permit as a common carrier and had transported household goods from Trinidad, Colorado, to Denver, Colorado, for certain parties without first having filed with the Commission a statement of the names and addresses of said customers.

At the hearing, the evidence disclosed that on January 20, 1935, the said Anderson Truck Line loaded one of its trucks at Trinidad, Colorado, with a load of furniture belonging to one Joe Johnson, formerly a resident of Trinidad but now living in Denver. Said load of furniture was transported by said Anderson Truck Line from Trinidad to 1454 South Logan Street, Denver, for which service said Anderson Truck Line was paid the sum of \$34.00.

It was further disclosed that on the same date, but later in the day, another truck of the Anderson Truck Line was loaded with furniture for another resident of Trinidad and started for Denver, but said truck was stopped by the Courtesy Patrol and forced to unload and was restrained from making its proposed trip.

The evidence also disclosed that the said C. W. Anderson had not filed any list of customers with the Commission under said private permit No. A-719 until February 17, 1936.

Respondent admitted the violations above set forth, but stated that it was his understanding at the time said shipments were handled, that the showing of the name of the customers on the monthly report blank was all that was required, and he was ignorant of our rule requiring the filing of list of customers with the Commission before any service was rendered; that he has since complied with the law in this respect and will hereafter conduct his operations in the manner and form provided by law and our rules and regulations. Copies of our rules and of the law are always given to those who obtain authority to operate upon our highways, and ignorance of the law is not to be lightly excused, particularly by those engaged in an industry as highly competitive as the transportation of freight by motor vehicle in Colorado. However, the Commission is of the opinion that the violations complained of were not willful on the part of respondent and resulted in fact from ignorance upon his part, and for that reason we believe that the permit of respondent should not be revoked, but a less stringent penalty should be imposed. However, in this connection, we desire to point out that the time has about been reached in Colorado when the plea of ignorance of the law and our rules and regulations on the part of motor vehicle operators for hire, may not be accepted as an excuse for violation of the same.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that a penalty of \$35.00 should be assessed against respondent for the aforesaid violation of the law and the rules and regulations of the Commission, such penalty being assessed under the provisions of Section 61 of the Public Utilities Act.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that respondent C. W. Anderson, doing business as Anderson Truck Line, be, and he is hereby, assessed, ordered and required to pay a penalty of \$35.00 for the aforesaid

violation of the law and the rules and regulations of the Commission, within twenty days from the date of this order, and the Commission hereby retains jurisdiction of the instant case for such proceedings as it may deem advisable.

~~Commissioner Erickson absent.~~

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deuel

Wes Danks
Commissioners.

Malcolm Erickson
Commissioner

Dated at Denver, Colorado,
this 7th day of November, 1936.

CONTROL

(Decision No. 8837)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO
* * *

RE MOTOR VEHICLE OPERATIONS OF)
AUGUST HIGDON.)

CASE NO. 1836

November 5, 1936.

Appearances: Frank H. Hall, Esq., Trinidad, Colorado,
for respondent.

S T A T E M E N T

By the Commission:

On September 19, 1936, the Commission entered its order that a complaint be instituted and an investigation and hearing be entered into to determine if the above respondent had violated the law and the terms and provisions of his permit A-1052, and further requiring said respondent to answer or satisfy said complaint within ten days from date of said order.

On September 23, 1936, said respondent filed his answer, stating that the charge contained in said complaint, to-wit, the transportation of household goods from Trinidad to Pueblo, Colorado, for one Mrs. Ward for hire and without procuring a permit from the Commission to render said service, in part was true, he having hauled said furniture for Mrs. Ward, but received no compensation therefor other than gas and oil.

The investigation of the Commission disclosed that the statement in said answer contained was correct.

At the hearing in Trinidad on October 13, 1936, Mr. Higdon stated that he had no intention to violate the law and that he had presumed the transportation of furniture for Mrs. Ward, a friend of his, without compensation, was not a violation of the law or the terms of his permit.

The Commission is impressed with the fairness of the position taken by Mr. Higdon, and is of the opinion that he received no compensation for the transportation service aforesaid other than is indicated. A carrier for hire, however, is not allowed to haul goods free or for any compensation less than that prescribed by the Commission, or over routes other than authorized to be served, and this should be borne in mind in future by Mr. Higdon.

After a careful consideration of the record, the Commission is of the opinion and finds that the above styled complaint should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above styled complaint should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. O'Connell

W. C. Danks

Wm. E. Wilson

Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION
OF JACOB J. SCHAEFER FOR AN EXTEN-
SION OF CERTIFICATE NO. 432.

APPLICATION NO. 1446-B

November 7, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

On October 21, 1929, Jacob J. Schaefer, in Decision No. 2590, was granted a certificate of public convenience and necessity for the transportation of live stock on call and demand only to Denver by motor vehicle from the territory located within a radius of 15 miles of Windsor. He now seeks to extend the authority therein granted to include the transportation on call and demand by motor vehicle of live stock from, to and between points within a radius of 25 miles of Windsor.

The evidence disclosed that Mr. Schaefer has two trucks of the value of \$1,500, which he has employed in his operation and which he intends to use in his extended transportation service, and that the public convenience and necessity require the proposed service.

There was no objection to the granting of the extension.

After a careful consideration of the record, the Commission is of the opinion and finds that the public convenience and necessity require the proposed motor vehicle operation of applicant and that the certificate of public convenience and necessity granted in Application No. 1446, Decision No. 2590, should be amended and extended to include the transportation of live stock from, to and between points within a radius of 25 miles of Windsor, Colorado, and that a certificate of public convenience and necessity should issue therefor.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed extended common carrier motor vehicle service of applicant for the transportation, on call and demand, of livestock from, to and between points within a radius of 25 miles of Windsor, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Connell
W. H. Danks
Wm. J. Quinn
Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

B-977

(Decision No. 8842)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BOB CLARK.)

CASE NO. 1807

November 7, 1936.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission, on its own motion, filed complaint against Bob Clark and required him to show cause why his permit should not be suspended or revoked for failure to file equipment slips, insurance and monthly reports.

The matter was set for hearing in the Hearing Room of the Commission, Denver, on July 24, 1936, at ten o'clock A. M.

It now appears that respondent filed insurance on June 4, 1936, equipment slips on July 13, 1936, and reported that he had not engaged in hauling for hire prior to July. Under the circumstances, the Commission is of the opinion and finds that said case should be dismissed, respondent, however, to be warned that in future he must file reports showing whether he has or has not operated, regularly as required by the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, That the above styled case should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 7th day of November, 1936.

Edward J. Danks
W. L. Danks
W. L. Danks
Commissioners.

~~CONFIDENTIAL~~
13-1073-I

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
BELLOWY BROTHERS.)

CASE NO. 1812

November 7, 1936.

Appearances: Mr. E. E. Pollock, Denver, Colorado,
for the Commission.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission, on its own motion, instituted the above styled proceeding and directed respondent to show cause why his permit should not be suspended or revoked on account of his failure to file reports as required by the rules and regulations of the Commission.

Since the institution of said case, respondent has filed reports for the months of January, February, March and June, being the months in which he operated, and has stated that in future he will comply with the law in all particulars.

After a careful consideration of the record, the Commission is of the opinion and finds that said case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the above styled case No. 1812 should be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Danks

W. L. Danks

W. L. Danks

Commissioners.

Dated at Denver, Colorado,
this 7th day of November, 1936.

298

CONTR. 24

(Decision No. 8844)

sep

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

MAKE
NO
COPY

* * *

DENVER COLORADO SPRINGS PUEBLO MOTOR)
WAY, INC., A Corporation,)
Complainant,)
vs.)
SOUTHWESTERN GREYHOUND LINES, INC.,)
A Corporation,)
Respondent.)

CASE NO. 1606

November 5, 1936.

Appearances: T. A. White, Esq., Denver, Colorado,
for Denver Colorado Springs Pueblo
Motor Way, Inc., complainant;
E. G. Knowles, Esq., Denver, Colorado,
for Southwestern Greyhound Lines, Inc.,
respondent.

S T A T E M E N T

By the Commission:

On November 12, 1935, complainant herein filed its complaint against Southwestern Greyhound Lines, Inc., and averred that complainant is a Colorado corporation engaged in the operation in Colorado of a motor bus system, a portion of said operation being between Denver and Trinidad, via Colorado Springs, Pueblo and Walsenburg, over U. S. Highway 85, pursuant to authority granted by certificate of public convenience and necessity issued by the Commission; that respondent corporation is the owner of a certificate of public convenience and necessity granted by the Commission in Application No. 1717, authorizing the transportation of passengers and baggage from point to point within the State of Colorado under special charter agreements only and not on schedule or over any particular route, which said certificate, among other conditions, provided:

"* * * the authority granted shall be limited to the extent that where the transportation is made over a line served by a certificate holder, the said certificate holder shall have the first opportunity of rendering the service in the manner and form desired by the passengers, and if unable to comply with the necessary requirements, then and in that event applicants (respondent) in said applications shall have the right and authority to render the said service, and not otherwise;"

that respondent did on the 12th day of October, 1935, transport as passengers, with their personal baggage under special charter agreement and not on regular schedule, in a certain 33-passenger motor bus, the members of the Trinidad High School football team and others, from Trinidad, Colorado, to Pueblo, Colorado, over and upon the line between said points regularly served by complainant as a certificate holder as hereinbefore set forth; that in the transportation of said Trinidad High School football team and others as aforesaid, respondent violated the order of the Commission and particularly the condition contained in the foregoing quotation from said order of the Commission authorizing the transportation of charter parties in that respondent omitted and neglected to inform complainant of the proposed movement as aforesaid, and neglected, failed and refused to permit complainant to have the first opportunity or any opportunity whatsoever to render said transportation service in the manner and form desired by said passengers as in said order provided; that on the 2nd day of November, 1935, a similar charter party was handled under similar circumstances by respondent to Colorado Springs (the language of said complaint not herein being set out in detail); that complainant at the times and on the occasions complained of was ready, able and willing to transport said football team in the manner and form desired by said passengers.

The respondent answered and in effect admitted the transportation of the two charter parties as averred, but denied that complainant under lease or agreement, or by any other method, had any privilege as a certificate holder to have the first opportunity of rendering charter service to any party desiring charter service originating in Trinidad, and denied that in furnishing the transportation complained of, respondent violated the order of the Commission in Application No. 1717 in the manner alleged by complainant, or otherwise; and by way of a second and further defense averred that it is the duly authorized owner and holder of a certificate of public convenience and necessity for the operation of motor vehicles for the transportation of passengers, baggage and express, by special charter, from all points which it is duly authorized to serve in Colorado to any and all other points within the State of Colorado, by virtue of the order in P.U.C. Application 1717; that Trinidad is a city served by respondent both interstate and intrastate so

far as the territory between Trinidad and Walsenburg is concerned; that on or about May 1, 1935, an agreement was entered into between respondent and complainant whereby regular local service was to be performed by complainant under the authority granted to Charles Maxday, Sr., Inc., in Decision No. 741 of this Commission (which authority was subsequently assigned to respondent), which agreement has now been terminated; that said agreement, however, did not cover and makes no reference to the handling of charter parties under the charter certificate issued to respondent in Application 1717.

The matter was heard in Denver on December 9, 1935.

Complainant rested its case upon the allegation of the complaint, the admissions of the answer and stipulation of parties that at the time and on the occasions complained of, complainant had available for charter party use 33-passenger yellow coaches.

Respondent submitted as its Exhibit 1, copy of lease of date May 1, 1935, referred to in the answer, between respondent and complainant, its Exhibit 2 being a letter from one R. B. Mertz, Trinidad High School Principal, requesting Greyhound service.

Complainant contended that effect of the lease agreement of date May 1, 1935, was to give the Denver Company a certificated route Trinidad to Denver, which included, so far as the complaint herein is involved, local rights between Trinidad and Walsenburg; that complainant parted with all its rights under the certificate; that when the charter parties were handled, respondent was not in the position of a certificate holder operating under a local certificate between Trinidad and Walsenburg, so that it could take advantage of its special charter certificate, its position as a line haul carrier having been assumed by complainant under the lease aforementioned; that complainant had general authority under the same order in Application 1717 (to which it was a party) to move charter parties at the time complained of and had succeeded to the preference rights that might have accrued to Greyhound had it not leased its line haul operating rights to complainant; that complainant had equipment available to handle charter parties at the time service was required and was willing to move said parties if contracts had been requested.

Respondent contended that complainant did not have authority to make the movement; that under the lease the only thing demised to complainant by respondent was the local operation between Walsenburg and Trinidad, and not its charter party rights, and that it did not lease its right to operate charter parties on account of the lease of said line haul operation; that, in effect, respondent at the time complained of still was a certificate holder serving locally through its agent, complainant herein.

The evidence further disclosed that the contract or lease involved in this hearing had been terminated November 19, 1935.

In the opinion of the Commission, even though we were to find that said acts of transportation were in violation of respondent's certificate, which necessarily would require a construction of the lease agreement, before we imposed a penalty, we also should find that said acts had been willful and not in good faith.

Inasmuch as said contractual arrangement was terminated before the hearing and the question is not likely to arise again, and in view of the fact that the Commission is of the opinion that respondent acted in good faith and under claim of right which may have been erroneously or mistakenly made, we believe and find that the case should be dismissed without further action on the part of the Commission.

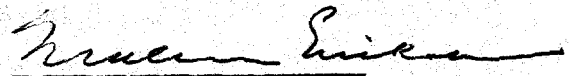
O R D E R

IT IS THEREFORE ORDERED, That the above styled case be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO






Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
WOODROW McCORMACK FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3651-PP

November 15, 1936

S T A T E M E N T

By the Commission:

On October 16, 1936, Woodrow McCormack filed his application for a Class B permit to operate as a private carrier by motor vehicle for hire for the transportation of sand and gravel from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objection to the issuance of permits of this character without notice or hearing, the Commission has determined to hear said matter upon the application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Woodrow McCormack should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand and gravel only from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of

the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edmund D. Danks
W. Danks
W. Danks
Commissioners.

Dated at Denver, Colorado,
this 5th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF
FRANK HILL OF RED CLIFF, COLORADO,
FOR A PERMIT TO OPERATE AS A CLASS
"A" PRIVATE CARRIER BY MOTOR VEHICLE
FOR HIRE.

APPLICATION NO. 3557-PP

November 10, 1936

Appearances: Frank Hill, Red Cliff, Colorado,
pro se;
Robert Colman, Grand Junction, Colorado,
for Colman Freight Service;
T. A. White, Esq., Denver, Colorado,
for Denver and Rio Grande Western
Railroad Company and Rio Grande Motor
Way, Inc.

STATEMENT

By the Commission:

At the hearing, applicant testified that he desired authority to operate as a private carrier by motor vehicle for the transportation of all classes of freight for the Empire Zinc Company which is now conducting mining operations at Gilman, Colorado. Gilman is located approximately $2\frac{1}{2}$ miles from Red Cliff, which would be the operating headquarters of applicant. His freight would consist largely of coal and railroad freight and express shipments received at Red Cliff consigned to said Empire Zinc Company. It is necessary to transport this freight from Red Cliff to Gilman by truck, as the railroad does not directly serve Gilman, which is located on cliffs over a thousand feet above where the railroad passes in the canon below.

In addition to this regular service from Red Cliff to Gilman, applicant also desires the right to make infrequent trips to Leadville for emergency freight that might be required by said Empire Zinc Company and which can not be expeditiously transported by the regular common carrier freight line now operating from Leadville through Gilman.

The financial standing and operating reliability of applicant were established to the satisfaction of the Commission, and with the understanding that only the one customer is to be served by applicant and that no direct

Competition to the existing common carrier service will be offered so far as the transportation of freight from Leadville is concerned, all opposition to the granting of the application was withdrawn.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited by the record, the application should be granted, and as the operation is to be between fixed termini and over a regular route, the Commission is further of the opinion, and so finds, that a Class A permit should be granted rather than a Class B permit as requested.

O R D E R

IT IS THEREFORE ORDERED, That Frank Hill, of Red Cliff, Colorado, should be, and he is hereby, authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of freight between Red Cliff and Gilman, Colorado, and Gilman and Red Cliff, including the right to make infrequent emergency trips only from said points to Leadville, Colorado, and return, for the Empire Zinc Company only, no direct competition service with any established common carrier truck line between Leadville and Gilman or any intermediate points to be conducted.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. D. D. D.
McDanks

Commissioner Erickson absent.
Dated at Denver, Colorado,
this 10th day of November, 1936.

~~Commissioners.~~
Commissioners.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS OF)
EARL C. MYERS.) PERMIT NO. B-1634
-----)

November 10, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Earl C. Myers of Boulder, Colorado, requesting that his Permit No. B-1634 be cancelled as he has disposed of his truck and is no longer operating under said permit.

After careful consideration, the Commission is of the opinion, and so finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Permit No. B-1634, heretofore issued to Earl C. Myers, be, and the same is hereby, declared cancelled.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner Erickson Absent

Edward J. Erickson
W. L. Danks

XXXXXXXXXXXXXXXXXXXX
Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1936.

CONTROL 84
B-1699
B-1699-J

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
H. C. CARRELL, FORT COLLINS, COLO-)
RADO, FOR A CLASS "B" PERMIT TO OPE-)
RATE AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)
* * * * *

APPLICATION NO. 3573-PP

November 10, 1936

Appearances: Mr. H. C. Carrell, Fort Collins, Colorado,
pro se;
Mr. A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport posts, mine props, ties, lumber and wood from the Bockman Lumber Camps at Buckhorn and Breckenridge, west of Fort Collins, to customers at Fort Collins, Colorado and for the transportation of wood from forests west of Fort Collins to a point on the Colorado-Wyoming state line where Highway No. 87 crosses same. It appeared that the applicant intended to confine most of his operations to the Fort Collins area but had customers for wood in Wyoming and requested interstate authority.

As thus limited there was no objection offered by those appearing at the hearing, to the granting of the permit.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as thus limited the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That H. C. Carrell, R. F. D. No. 3, Fort Collins, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of posts, mine props, ties, lumber and wood from the Bockman Lumber Camps at Buckhorn and Breckenridge, west of Fort Collins, to Fort Collins; and for the transportation

of wood from the forests west of Fort Collins to a point on the Colorado-Wyoming state line where U. S. Highway No. 87 crosses the same.

The Interstate authority shall be subject to the provisions of the Federal Motor Carrier Act of 1935, and the number of the applicants interstate authority shall be the same as his intrastate, followed by the letter "I".

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Erickson
W. C. Danks

Commissioner Erickson absent.

XXXXXXXXXXXXXXXXXXXX
Commissioners.

Dated at Denver, Colorado,
this 10th day of November, 1936.

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CONTROL *JS*

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF RUDOLPH MINCH, LOVELAND, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS) APPLICATION NO. 3570-PP
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 10, 1936

Appearances: Mr. Rudolph Minch, Loveland, Colorado,
 pro se;
 Marion F. Jones, Esq., Longmont, Colorado,
 for the Colorado Trucking Association,
 Harry Mattison and Denver-Loveland
 Transportation Company;
 Mr. A. J. Fregeau, Denver, Colorado, for
 The Motor Truck Common Carriers Associa-
 tion and Henderson Truck Line;
 Mr. George Garrett, Longmont, Colorado, for
 McKie Transfer Company.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport beet samples from fifteen dumps located along the line of the Great Western Railroad, to the laboratory of the sugar factory at Loveland, wet beet pulp for the Great Western Sugar Company from its Loveland factory to the sugar company farm situated out of Loveland, and pea vine hay from Loveland Canning Factory to the feed lots of the Harris Cattle Company, located in the suburbs of Loveland.

It appeared that in making the beet sample collections the applicant travelled approximately thirty miles, gathering some six tons of beets, for which he received \$9.00 for the trip, which amount was thought to be approximately the same as the prescribed rates of the Commission.

However, those appearing at the hearing desired to make no protest so long as the applicant charged rates not less than the prescribed rates of the Commission.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the testimony the authority should be granted.

O R D E R

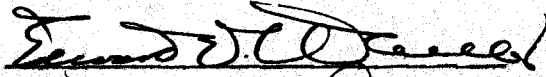

IT IS THEREFORE ORDERED, That Rudolph Minch of Loveland, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of beet samples from its dumps along the line of the Great Western Railroad to the sugar company's factory at Loveland, Colorado; for the transportation of wet pulp from the Great Western Sugar Company factory at Loveland to the company farm near Loveland; and for the transportation of pea vine hay from the Loveland Canning Factory to the feed yards of the Harris Cattle Company, located near Loveland, Colorado, all of which service is to be only performed for the Great Western Sugar Company, and the Harris Cattle Company.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Commissioner Erickson Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF LUIE A. AMMERMAN FOR A CERTIFI-) APPLICATION NO. 3167
CATE OF PUBLIC CONVENIENCE AND)
NECESSITY.)

November 6, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
T. A. White, Esq., Denver, Colorado,
for The Denver and Rio Grande Western
Railroad Company and Rio Grande Motor Way, Inc.
Z. D. Bohrer, Esq., Denver, Colorado,
for Colman Freight Service and
The Motor Truck Common Carriers
Association.

S T A T E M E N T

By the Commission:

Luié A. Ammerman herein seeks a certificate of public convenience and necessity for the transportation by motor vehicle, on schedule, from and to Grand Junction and Glenwood Springs and intermediate points to and from Carbondale and Independence pass, and points intermediate thereto, of all types of commodities, no authority being requested to perform any local service between Grand Junction and Glenwood Springs and points intermediate,

The evidence disclosed that Mr. Ammerman has been operating a truck line between Grand Junction and Aspen and intermediate points under private permit No. A-371 for a number of years; that he has a five-day service between Grand Junction and Glenwood and a bi-weekly service between Glenwood and Aspen; that there is no common carrier service between Glenwood and Aspen, although the Rio Grande Motor Way, Inc., operates a motor vehicle common carrier service between Grand Junction and Glenwood and intermediate points, and the Denver and Rio Grande Western Railroad Company operates daily (except Sunday) rail service between Glenwood and Aspen. For the present, he proposes to continue the same bi-weekly service but, should business develop, he might increase the service.

He stated that he intended to leave Grand Junction about 11:00 o'clock A. M. in order to take care of orders from customers residing in the towns he intends to serve, Carbondale, Basalt, Snow Mass, Aspen and Independence Pass, received in Grand Junction after 8:00 o'clock A. M., that being the time of departure of the Rio Grande Motor Way, Inc. truck; that he is now serving sixty customers in said territory under his "A" permit and is willing that his A permit, insofar as it authorizes service to points east of Glenwood, be cancelled; that he wants to retain and intends to continue his private carrier operation Grand Junction to Glenwood Springs and intermediate points under his permit even though a certificate is granted, and will use the same equipment to transport freight from or to Grand Junction destined to or from customers between Carbondale and Independence Pass served under his common carrier certificate that he uses to transport freight for customers of his contract carrier service residing between Grand Junction and Glenwood; that the volume of business available will not justify segregating the operations, but requires the use of the same facilities and equipment. He indicated that he is willing to interchange freight with the Rio Grande Motor Way, Inc., at Glenwood, and if the Commission is of the opinion that a "leap frog" certificate authorizing service from Grand Junction to points beyond Glenwood as far as Independence Pass, should not be granted, he is willing to accept a common carrier certificate authorizing service between Glenwood Springs, Independence Pass and intermediate points, and intends in that event to haul only as a private carrier Grand Junction to Glenwood for points Glenwood to Independence Pass and there interchange with himself as a common carrier, and vice versa on the reverse movement, again contemplating the use of the same equipment for both operations, which involves transporting the freight consigned to patrons of his common carrier service in his private carrier equipment between Grand Junction and Glenwood.

Applicant further testified that in addition to performing common and private carrier operations with the same facilities over the same route at the same time, he also proposed to carry on both operations under the same name, that is, Luie A. Ammerman, doing business as Ammerman Truck Line, and to use the same form of billing covering shipments moving under each class of

service. He has a Chevrolet truck of the value of \$1,450 and a pickup truck that he proposes to use in his operation. He stated that he now serves practically everyone in the territory involved in this application, except a few people who have refused to ship by truck line because they want to patronize the railroad and were afraid that the railroad company might seek to abandon railroad service in the event that its business decreased sufficiently to justify such action. Practically all merchants, garages, filling station attendants and other receivers of freight residing in the towns of Aspen, Basalt and Carbondale, testified that Mr. Ammerman's service has been entirely satisfactory and that they needed a through service from Grand Junction to their several communities. No evidence was offered relative to shipments westbound, so we presume there is very little back haul traffic.

So far as the evidence disclosed, the people residing in the towns east of Glenwood Springs are being adequately served by the existing carrier services, rail or otherwise, and especially by the Ammerman service, and there is no public convenience and necessity to be served by the proposed operation unless it can be said that a common carrier service (in name) could and would better serve the people now being served than the (so-called) private carrier service which it would supplant. We say "so-called" because apparently the protestants, as well as applicant, concede that the service rendered under the private carrier permit is a common carrier service because applicant serves everyone in the communities that he serves. Protestants concede that public convenience and necessity requires the proposed operation of applicant if segregated, but protestants contend that neither of the alternative arrangements proposed by applicant is proper; that applicant should not be permitted to use the same equipment to render private carrier service between Grand Junction and Glenwood and intermediate points and the motor vehicle (common) carrier service between Grand Junction and Glenwood Springs and intermediate points, and Carbondale and Independence Pass and points intermediate thereto, or to use the same truck to render private carrier service between Grand Junction and Glenwood Springs and intermediate points, and the motor vehicle (common) carrier service

between Glenwood Springs and Aspen, interchanging freight with himself at Glenwood Springs.

Protestants cite a number of authorities in support of their contention that Ammerman may not operate as a private carrier between Grand Junction and Glenwood Springs, and as a common carrier between Grand Junction and Independence Pass and intermediate points east of Glenwood Springs, or between Glenwood Springs and Independence Pass.

While the State of Pennsylvania does not regulate private carriers by motor vehicle, its regulatory power being limited to common carriers, in York Motor Express Co. v. Public Service Commission, 96 Pa. S. Ct. 174, the Pennsylvania Appellate Court held that the York Motor Express Company which operated between Philadelphia and York as a common carrier and attempted to extend its route by serving a few customers at Hanover, a point beyond York, as a private carrier, could not operate over the same route with the same equipment and under the same trade name as both a common and private carrier.

In Beach v. Renn, P.U.R. 1930C, 153, the Pennsylvania Commission required Renn, a common carrier in both scheduled and irregular service over certain routes, to cease and desist from transporting passengers under special contract from points apparently in the territory served by him as a common carrier but which were not authorized as points of origin in his certificates.

In Carriers Protective Committee v. Leonard, 8 P.U.R. (N.S.) 51, the Pennsylvania Commission applied the rule announced in York Motor Express Company, supra, and directed Leonard, an interstate common carrier, to cease operating intrastate as a contract carrier over the same route involved in his interstate operation, holding that the interstate common carrier carriage transformed the alleged contract carriage into a common carrier transaction when it was over the same route in the same vehicles and under the same trade name.

In Hubert v. Public Service Commission, 180 Atl. 23, the Pennsylvania Superior Court sustained the Pennsylvania Commission and followed York Motor Express Co. v. Public Service Commission, holding that a truck devoted by a common carrier to the transportation of goods as such, cannot at the same time and on the same journey be used by it for the transportation of other goods as a private carrier.

Prior thereto, in Re Flowers and Turner, Application No. 1516, Decision 2965, we held that "a motor vehicle carrier cannot operate as a private carrier under contract and a common carrier at the same time."

It is true, as contended by counsel for applicant, that in Decision 6699, Application No. 1487-A, the Commission authorized the transfer of a certificate by one Ray Mercure to Leamon Resler, a private carrier then operating under several private permits, which in effect permitted Resler to serve all intermediate points between Denver and the terminus of his line. Apparently our previous holdings were not called to our attention, and it must be regarded as an isolated case involving a determination which was peculiar to the facts therein and not applicable to or precedent for a situation such as presented by this application.

It is our conclusion that a dual operation such as here proposed is contrary to the letter and spirit of the law and our rules and regulations and should not be permitted. Permits and certificates which involve the supplementing or filling in of one operation with a different class of authority in order to allow a wider or more profitable operation, should not be granted.

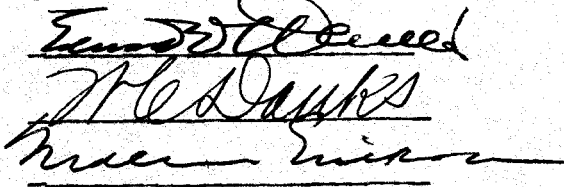
The evidence justifies the finding that the public convenience and necessity require the operation from and to Grand Junction to and from Independence and intermediate points east of Glenwood Springs. However, entertaining the views that we entertain, we cannot grant such a certificate unless applicant is willing to surrender his permit. He has not indicated that he will do so.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be denied.

O R D E R

IT IS THEREFORE ORDERED, That the application of Luie A. Ammerman, doing business as Ammerman Truck Line, should be, and the same hereby is denied.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 6th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
THOMAS MUNN.)

CASE NO. 1831

November 10, 1936

Appearances: R. E. Conour, Esq., Denver, Colorado,
for the Commission;
Zene D. Bohrer, Esq., Denver, Colorado,
for the Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On September 2, 1936, the Commission issued a show cause order against the operations of Thomas Munn, charging that the respondent had been transporting explosives for the Hercules Powder Company, for hire, on authority given by his Commercial Permit No. C-2826 which was in violation of the law and the terms and provisions of said permit. The testimony disclosed that the respondent has a son twenty-one years of age who has been driving his truck and making the reports; that they had been hauling coal from the Jefferson Mine to consumers in Littleton.

It was also disclosed that respondent's son William did come to Denver in June for the purpose of getting a permit to haul wheat from the threshing machine and was advised that a permit was not necessary for this movement during the threshing season.

Exhibit No. 2, being a statement of some thirteen shipments of explosives coming from the Hercules Powder Company, and going to Sterling, Las Animas, Rangeley, Granite and Twin Lakes, Colorado, were transported by William Munn, son of the respondent and from the testimony of Mr. George T. Kearnes, represent-

ing the Hercules Powder Company, he made arrangements with Mr. E. B. Webber for the transportation of all of these shipments and paid no attention as to just who was looking after the movement, other than he had noticed that William Munn was driving the truck and had no knowledge as to whether or not the movement was being made under the authority held by Mr. Webber, or otherwise.

The respondent did not deny any of the statements made by Mr. Kearnes but stated that he did not look after the detail of making the reports and did not know whether they should be made out in the name of Webber under Webber's permit, or whether they should be made out as being handled under his Commercial Permit No. C-2826.



After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the respondent has been extremely negligent in looking into the authority of a Commercial carrier; that the respondent seems to have turned his trucking business over to his son William, who was not familiar with how our reports should be made out or what reports were made on any of the shipments involved in the charges, and that it did not appear that the respondent knowingly and wilfully violated the authority granted under his Permit No. C-2826, and that the instant show cause order should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant order in Case No. 1831 be, and the same is hereby dismissed.

Commissioner Erickson
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 10th day of November, 1936.

R

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF J. B. TAGUE, FOR A CERTIFICATE)
OF PUBLIC CONVENIENCE AND NECESSITY)

APPLICATION NO. 3071
(SUPPLEMENTAL ORDER)

November 16, 1936.

S T A T E M E N T

By the Commission:

On July 11, 1936, in Decision No. 7982, the order limited the applicant to "livestock and farm products in bulk" outside of the Loveland area described in the order.

It now appears from a stipulation signed by Ab H. Romans and Hatfield Chilson, Attorneys for J. B. Tague, and Marion Jones, representing most of the protestants at the hearing, that said order may be amended to include all of those commodities authorized to be transported within the described Loveland area, to also be transported outside thereof, so long as the movement was for customers residing within the Loveland area.

After a careful consideration of the stipulation and in view of the fact that there was a close question as to what authority was to be granted outside of the described area, the Commission is of the opinion and finds that the amendment should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph of said order, at the bottom of page 3, should be and the same hereby is amended to read as follows:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the motor vehicle operation of the applicant, J. B. Tague, for the transportation not on schedule and over irregular routes, of farm products, including livestock, farm supplies including seed and feed, farm machinery and used household goods, from point to point within an area extending 12 miles north, east and south of Loveland, Colorado and to Estes Park on the west, and from and to points in said area to and from points in the State of Colorado, all for customers residing in the described Loveland area, provided however that the applicant will make no back hauls of freight from Denver to Loveland and shall not engage in any transportation service of a competitive character between points along the line of scheduled common carriers now operating between, from and to points in the above

described area; and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

In all other respects said order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Erickson

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Commissioner Erickson absent.

Dated at Denver, Colorado,
this 16th day of November, 1936.

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Commissioners.

B-1707

(Decision No. 8971)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B 1707

IN THE MATTER OF THE APPLICATION)
OF EMIL G. KETELSEN, JR., FOR A) APPLICATION NO. 3652-PP.
PERMIT TO OPERATE AS A CLASS "B")
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 16, 1936.

S T A T E M E N T

By the Commission:

On October 23, 1936, Emil G. Ketelsen, Jr., filed his application for a Class B permit to haul coal, sand and gravel from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objections to the issuance of permits of this character without notice or hearing, the Commission has determined to hear said matter upon the application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Emil G. Ketelsen, Jr., should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of coal, sand and gravel from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
W. L. Danks
W. L. Danks
Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1936.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
OPAL VAUGHN FOR A PERMIT TO OPERATE)
AS A CLASS B PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3653-PP.

November 16, 1936.

S T A T E M E N T

By the Commission:

On October 21, 1936, Opal Vaughn filed his application for a Class B permit to operate as a private carrier for the transportation of sand, gravel and other road surfacing material, from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objections to the issuance of permits of this character without notice or hearing, the Commission has determined to hear said matter upon the application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Opal Vaughn should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing material, to construction jobs from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Leary

W. Danks

Dated at Denver, Colorado,
this 16th day of November, 1936.

Walter B. Givens
Commissioners.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF J. I. VIALPANDO FOR A PERMIT)
TO OPERATE AS A CLASS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

2.
1568
APPLICATION NO. 3174-PP.

November 16, 1936.

S T A T E M E N T

By the Commission:

On May 8, 1936, Decision No. 7958, the Commission authorized J. I. Vialpando to operate as a Class A private carrier by motor vehicle for hire for the transportation of timber from lumber camps and mills in the Stonewall area over Highway No. 12 to Valdez, and over Highways 12 and 85 to Morley, Colorado.

Applicant has directed the attention of the Commission to the fact that said permit should have included the transportation of coal from coal mines in Las Animas County to points on State Highway No. 12 and State Highway No. 111 between Valdez and Tercio by way of Stonewall.

After a careful consideration of the record, the Commission is of the opinion and finds that said order of May 8, 1936, should be amended and modified, nunc pro tunc, as of date May 8, 1936, to include the transportation of coal as indicated.

O R D E R

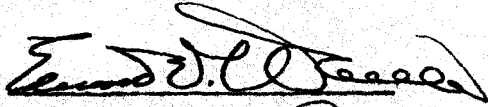

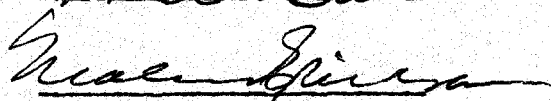
IT IS THEREFORE ORDERED, That the First Paragraph of the order of the Commission of date May 8, 1936, Decision No. 7598, should be, and hereby is amended, nunc pro tunc, as of date May 8, 1936, to read:

IT IS THEREFORE ORDERED, That J. I. Vialpando should be, and he hereby is authorized to operate as a Class A private carrier by motor vehicle for hire for the transportation of timber from lumber camps and mills in the Stonewall area over Highway No. 12 to Valdez, and over Highways No. 12 and 85 to Morley, Colorado; and the transportation of coal from mines in Las Animas County over said Highways 85 and 12 and State Highway No. 111 to points between Valdez and Tercio by way of Stonewall.

- 1 -

IT IS FURTHER ORDERED, That said order in all other particulars shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO




Commissioners.

Dated at Denver, Colorado,
this 16th day of November, 1936.

F

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
CHAS. LAMB, FORT COLLINS, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3574-PP

November 16, 1936

Appearances: Mr. Chas. Lamb, Fort Collins, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
P. E. Hansen, and Jake Jordan.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport beets from fields within a radius of five miles of Fort Collins, Colorado, to dumps therein and grain from the same area to elevators; and rock from nearby hills to ditch for "rip-rap" purposes, where the applicant is the Superintendent.

The applicant, having eliminated the livestock movement, there was no objection offered by those appearing at the hearing, to the granting of the permit as thus limited.

After careful consideration the Commission is of the opinion and finds that the permit should be granted as limited by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That Charles Lamb of Route 3, Fort Collins, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of beets from fields within a radius of five miles of Fort Collins, Colorado, to dumps therein; grain

from fields within said area to elevators therein, and rock from nearby hills to the ditch line of which the applicant is Superintendent.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Erickson
McDauks

Commissioner Erickson absent

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Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1936.

CONTROL *K*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

B-1962

IN THE MATTER OF THE APPLICATION)
OF M. MORITA, AULT, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3575-PP

November 16, 1936

Appearances: Mr. S. Morita, Ault, Colorado, for applicant;
Mr. A. J. Fregeau, for The Motor Truck Common
Carriers Association, Weicker Transportation
Company and Union Delivery Company;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association.

S T A T E M E N T

By the Commission:

The applicant herein seeks authority to transport beets, farm products and coal; the beets to be transported from fields within a five-mile radius of Ault, Colorado to beet dumps; farm products from farms in said area to Ault and Eaton and sample beets from eleven dumps situated in northeastern Weld County to the sugar beet factory at Eaton, Colorado.

S. Morita, son of the applicant, testified that their principal business was farming and in this connection transported their own beets to dumps and wanted to transport some for hire, for neighbors, and that this service for the neighbors would also include grain from the farms to Ault and Eaton; and at times they hauled, in addition to their own coal from the northern coal fields, some coal for neighbors residing in this same Ault area; that they had an arrangement with the factory at Eaton to pick up sample beets at eleven beet dumps situated in northeastern Weld County, the distance traveled over the highways to pick up samples at these eleven dumps made an aggregate distance of seventy-six miles for the round trip and that as compensation for this

service they received ten cents a mile; that in making this round trip the tonnage became more than their truck would carry so that they were obliged to make a second trip at times, but that the entire transaction of visiting the eleven dumps and making the collection was \$6.70. The witness stated that so far as he knew there was no shortage of trucks for the hauling of these samples.

M. S. Webber of the Union Delivery Company, holder of Certificate No. 354, with authority to serve all of Weld County, testified that his Company had six trucks and made a business of transporting farm produce, particularly beet samples, that these trucks were at no time all engaged and that they had never turned down any offer to transport beet samples for the factory at Eaton; that he put in a bid for this same haul from the eleven dumps mentioned, by the applicant but his rate was a little higher than the applicant's and he did not get the contract. Mr. Webber testified that his Company needed this particular item of business in order to maintain the efficiency of their service generally, and protested the issuance of a permit to the applicant, which would include the transportation of beet samples.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that authority to transport field beets to dump and grain from threshing machine to elevators at Ault and Eaton, and coal from the northern coal fields to customers in the Ault area should be granted the applicant, but that his transportation of beet samples at the price named by him was not exactly fair and would impair the efficient services of the protestant.

O R D E R

IT IS THEREFORE ORDERED, That M. Morita of Ault, Colorado be, and he hereby is, granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of field beets from fields within a radius of five miles of Ault, Colorado, to dumps therein, grain from farms in said Ault area to elevators at Ault and Eaton; and coal from the northern Colorado coal fields to customers residing in the above described Ault area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Erickson
McDanks

Commissioner Erickson absent

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Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
C. A. FOSTER FOR EXTENSION OF HIS)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY NO. 72.)

APPLICATION NO. 674-B
(SUPPLEMENTAL ORDER.)

November 16, 1936

S T A T E M E N T

By the Commission:

On October 19, 1936, in Decision No. 8532, an extension was granted to the above named applicant, extending his area to be served to a point southwest of Morrison, known as Conifer Junction. However, a temporary authority was theretofore given to the applicant to extend his service along Colorado State Highway No. 8, to Bailey. The extension order did not include the area between Conifer Junction and Bailey for the reason that there was at that time, pending, an abandonment proceeding before the Interstate Commerce Commission, looking to the discontinuance of railroad service through Bailey and until this abandonment proceeding was determined, the Commission desired to make no change in the freight situation from Bailey.

It now appears that a number of private carriers have authority to serve this area between Bailey and Conifer and pass along Highway No. 8, almost daily, but for some reason, probably their time schedule, do not meet the requirements of dairy farms in the area between Bailey and Conifer Junction. It also appears that C. A. Foster, under his temporary authority, has been rendering a much needed service during this rather unsettled condition of the transportation service between South Park and Denver brought about by reason of the railroad abandonment proceedings.

On October 27, 1936, the applicant herein filed his application asking

for re-consideration of the order contained in Decision No. 8532, and that he should have been given authority to serve the area south to Bailey.

After careful consideration of the request for re-consideration, and in view of the fact that the applicant is now rendering a satisfactory service while authorized carriers passing through this same area and having authority to serve the same have not, at any time, taken interest enough to meet the required demands of the public, the Commission finds that said order issued October 19, 1936, should be re-considered and changed so as to include the area between Conifer Junction and Bailey.

O R D E R

IT IS THEREFORE ORDERED, That the first paragraph in said order contained in Decision No. 8532, be and the same hereby is amended to read as follows:

"IT IS THEREFORE ORDERED, That the public convenience and necessity require the extended motor vehicle operations of the applicant in serving the added area herein described, and Certificate No. 72 be and it is hereby amended to include, in addition to the points set forth in the original order, all of that territory extending five miles on each side of Highway No. 8 between Cowan and Bailey, and the areas described as follows:

"Commencing at the junction of Highway No. 70 with Highway No. 8; thence along Highway No. 8 in a northeasterly direction to approximately the center of Section 26, T 4 S, Range 69 W, being the southwest corner of Green Cables Country Club; thence south to Bear Creek, thence southwest along Bear Creek to the junction of Highway No. 70 with Highway No. 8,

and

"Beginning at Denver, Colorado; thence along U. S. Highway No. 85 to Littleton; thence county road to Fort Logan; thence State Highway No. 70 to Cowan and Highway No. 8, Denver-Cowan-Mt. Morrison-Indian Hills-Bailey and return,

for the transportation on schedule of freight, express, dairy products and farm products, over said highways from the areas as hereinabove described, together with authority to serve Ft. Logan, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor."

In all other respects said order shall remain in full force and effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Erickson
W. C. Danks

Commissioner Erickson absent.

XXXXXXXXXXXXXXXXXXXX

Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1936.

1886

[Handwritten initials]

~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION OF)
A. R. DAUGHERTY, WINDSOR, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE) APPLICATION NO. 3599-PP
AS PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 16, 1936

Appearances: Mr. A. R. Daugherty, Windsor, Colorado,
pro se;
Mr. A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion and Inter-City Truck Line;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
Jacob Schaefer, J. B. Tague, P. E. Hansen
and Jake Jordan.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport beets from fields within a radius of eight miles of Windsor, Colorado to dumps therein; hay from farms located in the above described area to markets therein; sand and gravel from point to point within said area; coal from the northern Colorado coal fields to the Windsor area, and slabs, wood and timber from forests west of Fort Collins to the Windsor area.

As thus limited there was no objection to the authority being granted, provided the applicant is not given authority until he has provided the Commission with a list of his customers, the only two given at the hearing being Bob Bates and Dave Evans.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that as limited by the testimony the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That A. R. Daugherty of Windsor, Colorado, be

and he hereby is granted a Class "B" private carrier by motor vehicle for hire for the transportation of beets from beet fields situated within a radius of eight miles of Windsor, Colorado to dumps therein; hay from point to point within said area; sand and gravel from point to point within said area; coal from the northern Colorado coal fields to said Windsor area; and slabs, wood and timber from forests west of Fort Collins to the Windsor area, all for cutomers residing within a radius of eight miles of Windsor, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks
McDanks

Commissioner Erickson absent

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Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
REINHOLT PEIL, TIMNATH, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

APPLICATION NO. 3647-PP

November 16, 1936

Appearances: Reinholt Peil, Timnath, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for
the Motor Truck Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport beet samples from dumps at LaPorte, Boettcher, Waverly, Dixon, Wellington, Barnett, Giddings, Sinnard, Black Hollow, Kluver, Timnath, Redmont, Harmony, Guthbertson and Drake to the receiving station of the Great Western Sugar Company at Fort Collins, Colorado.

The applicant stated that he entered into a contract to take care of these fifteen dumps, which caused him to travel approximately eighty-five miles and for which he signed a contract at ten cents a mile; that he was very sorry that he ever signed the contract; that no one else would accept the contract and that just as soon as he could finish up this contract he wanted nothing more to do with trucking and requested that any permit granted to cover this contract of his should be cancelled at the close of the season, at which time he would notify the Commission to cancel the same. There was no objection offered by those appearing at the hearing inasmuch as the contract had been partially executed, seemed to be an item which other operators did not care about, and there being no way to ascertain whether or not the rate charged is equal to,

lower, or higher than the prescribed rate of the Commission without first having the monthly report with the tonnage from each of the above named dumps as well as the distances between the several dumps.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority sought should be granted.

O R D E R

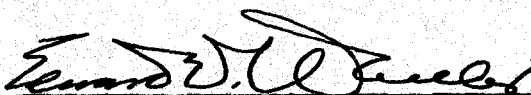

IT IS THEREFORE ORDERED, That Reinholt Peil, of Timnath, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of beet samples only from fifteen beet dumps, to the receiving station of the Great Western Sugar Company at Fort Collins, Colorado, all for the Great Western Sugar Company and that this permit shall be used for no other purpose, and upon notice from the applicant that his contract has been fully executed, an order will be entered concerning this permit.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner Erickson absent.

XXXXXXXXXXXXXXXXXXXX

Commissioners

Dated at Denver, Colorado,
this 16th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
J. R. VARNELL, FRASER, COLORADO, FOR)
A CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE FOR)
HIRE.)

APPLICATION NO. 3580-PP.

November 16, 1936.

Appearances: Mr. J. R. Varnell, Fraser, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for the Colorado Trucking Association,
and Winscom and Lyon;
Mr. A. J. Fregeau, Denver, Colorado, for The
Motor Truck Common Carriers Association.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing the applicant herein seeks authority to transport lumber, telephone poles and ties from the mills of the Michigan Timber Company near the foot of Cameron Pass to Walden, Colorado, for the Michigan Timber Company.

It was disclosed at the hearing that the present authorized operator having authority for transporting forest products from two mills now being operated by the Michigan Timber Company is having a hard time to keep the products away from the mill; that the timber company was now arranging to install a third mill, in which event, it appeared that present authorized operator would be unable to take care of the output of all three mills and had requested the applicant to qualify himself to meet the demands of the third mill in case it was necessary for him to do so.

It appeared that the applicant is now working for the same Company, moving logs from forests to the saw mills and that in the event additional trucks were needed for this third installation, they made the request that the applicant be in readiness.

It further appeared that the applicant was to receive \$2.75 per thousand feet for transporting lumber and nine cents for each 6" x 8" x 9" tie and eleven cents for each 7" x 9" x 8" tie.

Those appearing on behalf of protestants at the hearing, made it plain that they did not want to handicap any industry and had no objection to the granting of this authority provided it was limited to the third mill now being installed and that the authority granted make provision that the rate charged should not be less than the prescribed rates of the Commission.

It appeared that the applicant now has one 1936 Ford and two 1935 Chevrolet trucks and is financially able to conduct the operation as well as being a dependable operator.

After careful consideration of the record and the testimony the Commission is of the opinion and finds that as limited by the testimony above mentioned the authority should be granted.

O R D E R

IT IS THEREFORE ORDERED, That J. R. Varnell of Walden, Colorado, be and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire for the transportation of lumber, telephone poles and ties from the third mill which is now being installed by the Michigan Timber Company (and from other mills of said timber company in the event the present authorized transportation operators fail or abandon their service), on the west side of Cameron Pass, to railroad loading point at Walden, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.



IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Commissioner Erickson absent.

Dated at Denver, Colorado,

this 16th day of November, 1933

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CONTROL *24*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE MOTOR VEHICLE)
OPERATIONS OF JOHN SHULL, DOING)
BUSINESS AS JOHN SHULL TRUCK LINE,)
PRIVATE PERMIT NO. A-630; JOHN SHULL,)
DOING BUSINESS AS G & S TRUCK LINE,)
PRIVATE PERMIT NO. A-695; AND J. N.)
SHULL, DOING BUSINESS AS JOHN'S TRUCK)
LINE, PRIVATE PERMIT NO. A-839.)

CASE NO. 1839

new service
11/3/36

November 13, 1936

S T A T E M E N T

By the Commission:

Respondent herein has filed his demand for a bill of particulars, an offer to furnish same being contained in the order to show cause heretofore entered in this proceeding, and requests information concerning the dates and points to which shipments have been handled at less than the rates prescribed by the Commission in Case No. 1585. In making this demand, respondent requests the name of the consignor, and consignee of said shipments.

We are advised by the attorney for the Commission that the investigation of respondent's operations, and the information from which such bill of particulars will be compiled, does not disclose the name of the consignee but shows all other information which will enable the respondent to readily identify the shipments in question. Therefore, in furnishing such bill of particulars, the name of the consignee need not be furnished.

The fourth paragraph of the demand requests a statement of the facts upon which the complainant relies in establishing that respondent has operated as a "motor vehicle carrier" without a certificate of public convenience and necessity. No one knows better than respondent the extent and nature of his operations, and the show cause order initiating this proceeding made no offer of a bill of particulars upon this question. Furthermore, we do not believe that we are required to disclose every fact upon which this allegation is based, when it is within the peculiar knowledge of the respondent himself.

The Commission is of the opinion and so finds that the attorney for the Commission should within 15 days from this date, furnish the respondent a bill of particulars, containing all of the information requested in paragraphs 1, 2, and 3 of said demand for a bill of particulars, except the name of the consignee of said shipment, and that the demand embodied in paragraph 4 thereof should be refused.

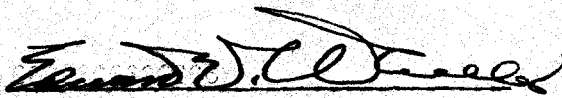
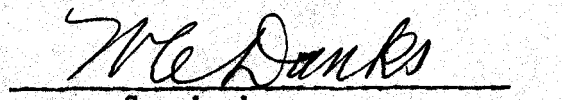
O R D E R

THEREFORE, IT IS ORDERED that the attorney for the Commission shall, within fifteen days from this date, furnish respondent a bill of particulars containing the information requested in paragraphs 1, 2, and 3 of said demand except the name of the consignee of said shipments, and file the original thereof with the Secretary of the Commission.

IT IS FURTHER ORDERED, That the hearing of this case, heretofore set for the 17th day of November, 1936, be, and the same is hereby, continued to the 2nd day of December, A. D. 1936, at 10 o'clock A. M. at the Hearing Room of the Commission, 330 State Office Bldg., Denver, Colorado, without further notice to the interested parties.

Commissioner Erickson
Absent

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners

Dated at Denver, Colorado,
this 15th day of November, 1936.

R

CONTROL *24*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
ARTHUR E. GREEN FOR A PERMIT TO)
OPERATE AS A CLASS "A" PRIVATE CAR-)
RIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3591-PP

November 23, 1936

Appearances: Arthur E. Green, Loveland, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
Z. D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Assn.

S T A T E M E N T

By the Commission:

Applicant herein seeks a permit, which as limited by the testimony offered at the hearing, would authorize him to operate as a Class A private carrier by motor vehicle for hire, for the transportation of lumber, ties and mine props from Strutzel mill near Toponas to Toponas, and the occasional transportation of said products from said mill to Oak Creek by way of Toponas.

There was no objection to the issuance of permit as limited.

The operating experience and financial responsibility of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit as limited should issue.

O R D E R

IT IS THEREFORE ORDERED, That Arthur E. Green should be, and he hereby is authorized to operate as a class A private carrier by motor vehicle for hire, for the transportation of lumber, ties and mine props from Strutzel mill near Toponas to Toponas, and the occasional transportation of said products from said mill to Oak Creek by way of Toponas.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. E. Danks

Ernest S. Swanson

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL *W*

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF JOE BUDDY FOR A PERMIT TO)
OPERATE AS A CLASS "B" PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

B-1775
APPLICATION NO. 3679-PP

November 23, 1936

S T A T E M E N T

By the Commission:

On October 26, 1936, Joe Buddy filed his application for a permit to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand, gravel and road surfacing material from point to point within a radius of fifty miles of Denver, Colorado.

In view of the fact that the Motor Truck Common Carriers Association and the Colorado Trucking Association heretofore have indicated that said associations have no objection to the issuance of permits of this character without notice or hearing, the Commission has determined to pass upon said matter upon the verified application without formal notice or formal hearing.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Joe Buddy, of 464 South Logan Street, Denver, Colorado, should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of sand, gravel and other road surfacing material from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Steele

McDanks

Max E. Simon
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
STANLEY SAWICK AND W. E. RULON, DOING)
BUSINESS AS WESTERN TRANSPORT COMPANY,)
FOR AUTHORITY TO TRANSFER INTERSTATE)
PERMIT TO A. C. WALDRON AND H. A.)
WALDRON, DOING BUSINESS AS WESTERN)
TRANSPORT COMPANY.)

PRIVATE PERMIT NO. B-1008

November 23, 1936.

S T A T E M E N T

By the Commission:

On September 13, 1935, interstate permit No. B-1008 issued to Stanley Sawick and W. E. Rulon, copartners, doing business as Western Transport Company, for the transportation of petroleum products in interstate commerce only. They now seek authority to transfer said permit to A. C. Waldron and H. A. Waldron, doing business as Western Transport Company.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, Stanley Sawick and W. E. Rulon, doing business as Western Transport Company, should be, and they hereby are authorized to transfer said permit No. B-1008 to A. C. Waldron and H. A. Waldron, doing business as Western Transport Company, said permit hereafter to be known as interstate permit No. B-1008-I.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

W. L. Danks

Walter E. Simon
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

B

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
B. J. TIMNEY FOR A CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY.)

APPLICATION NO. 3624

November 25, 1936

Appearances: B. J. Timney, Bonanza, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado, for
The Motor Truck Common Carriers Assn;
T. A. White, Esq., Denver, Colorado, for
The Denver & Rio Grande Western Railroad
Company.

S T A T E M E N T

By the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the transportation of ores and mine supplies to and from various mines in what is known as the Kerber Creek mining district in Saguache County, Colorado, from and to Villa Grove, Colorado, and intermediate points.

At the hearing he testified that he also desired the privilege of occasionally transporting less than carload shipments of ore from said Kerber Creek mining district to the smelter at Leadville, Colorado.

The testimony disclosed that at the present time there is some mining activity in the vicinity of Bonanza, which is located in said Kerber Creek mining district, and that a need exists for the transportation of the ores being produced from said area to the nearest railroad shipping point at Villa Grove, as well as for the transportation of mine supplies from said shipping point back to said mining area.

It was also developed that occasional service is required for the transportation of small lot shipments of ore by truck directly from said mining district to Leadville, Colorado.

No opposition was made to the granting of the certificate sought. Applicant does not propose to operate on schedule, but will perform a call and demand service. He owns a 1936 Ford V-8 one and one-half ton truck with a dump body valued at the sum of \$1,000.00.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity require the proposed motor vehicle operation of applicant and that certificate should issue therefor.

ORDER

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant for the transportation of ores from what is known as the Kerber Creek mining district in Saguache County, Colorado, to the railroad shipping point at Villa Grove, and for the transportation of mine supplies from said railroad shipping point to mines in said Kerber Creek mining district and intermediate points, as well as the occasional transportation of less than carload shipments of ore from said Kerber Creek mining district to Leadville, Colorado, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dwyer
McDanks
Wm. E. Wilson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL *JK*

9-907

(Decision No. 9006)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

RE MOTOR VEHICLE OPERATIONS)
OF MILTON A. BOSSE.)

CASE NO. 1793.

November 23, 1936.

S T A T E M E N T

By the Commission:

On July 1, 1936, the Commission, on its own motion, directed that an investigation and hearing be entered into to determine if respondent Milton A. Bosse had failed or refused to comply with the rules and regulations of the Commission governing private carriers by failing to file equipment slip and insurance. Respondent was directed to show cause within ten days from the date of said order and the matter was set for hearing in the Hearing Room of the Commission in Denver on July 24, 1936.

On July 22, 1936, description of equipment was filed by respondent, and the Commission was informed on July 23, 1936, by a Denver insurance agent that certificate of insurance would be filed. On July 24, 1936, proper insurance was filed.

After a careful consideration of the record, the Commission is of the opinion and finds that the instant case should be dismissed.

O R D E R

IT IS THEREFORE ORDERED, That the instant case be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Dated at Denver, Colorado,
this 23rd day of November, 1936.

Frank J. O'Connell
W. H. Danks
W. H. Danks
Commissioners.

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

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IN THE MATTER OF THE APPLICATION)
OF GEORGE A. ZIMMERMAN FOR A)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 3597.

November 23, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
for applicant;
Z. D. Bohrer, Esq., Denver, Colorado, for
The Motor Truck Common Carriers Associa-
tion.

S T A T E M E N T

By the Commission:

Applicant herein seeks a certificate of public convenience and necessity for the transportation of farm products (excluding livestock and dairy products), coal and timber from, to and between points within an area extending 9 miles north, 9 miles south, 15 miles east and 1 mile west of Boulder.

The evidence disclosed that Mr. Zimmerman has been engaged in trucking for a number of years; that he has a 1935 Chevrolet 1½-ton truck of the value of \$500.00 without encumbrance, which he proposes to use in his contemplated operation; that he has a home unencumbered in Boulder of the value of \$4,000.00; that there is considerable demand for the transportation of farm products, especially grain and beets, from, to and between points in said area during the harvest season; that there is considerable demand for coal during the winter months and that, generally speaking, the public convenience and necessity require his proposed service.

No objections were interposed to the granting of the certificate by Yockey Truck Line and Norman Rhyno, certificated carriers already authorized to render similar service in part of the territory sought to be served by applicant.

After a careful consideration of the record, the Commission is of the opinion and finds that the public convenience and necessity require the proposed operation of application as outlined and that a certificate of public convenience and necessity should issue therefor.

O R D E R

IT IS THEREFORE ORDERED, That the public convenience and necessity require the proposed motor vehicle operations of applicant, George A. Zimmerman, for the transportation, on call and demand, of farm products (excluding livestock and dairy products), coal and timber from, to and between points within the area extending 9 miles north, 9 miles south, 15 miles east and 1 mile west of Boulder, and this order shall be taken, deemed and held to be a certificate of public convenience and necessity therefor.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system in accordance with the order of the Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

W. C. Danks

William E. Simon

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF ARTHUR FAIRCHILD FOR A PERMIT) APPLICATION NO. 3619-PP
TO OPERATE AS A CLASS B PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

November 19, 1936.

Appearances: Arthur Fairchild, Creede, Colorado,
pro se;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association;
A. J. Fregeau, Denver, Colorado,
for The Motor Truck Common Carriers Ass'n;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.

S T A T E M E N T

By the Commission:

The evidence disclosed that applicant is seeking a Class B private permit authorizing the transportation of ore from mines in the Creede district to the rail head at Creede, with the right to make occasional trips with sample shipments direct from said mines to Leadville, Colorado; the right to transport oil, gas, timber and mine supplies from Creede and Wagon Wheel Gap to said mines, and the right to transport coal from Durango to said mines.

No objections were interposed to the granting of the authority sought.

The operating experience and financial standing of applicant were established to the satisfaction of the Commission.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Arthur Fairchild, of Creede, Colorado, be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of ore from mines in the Creede district to the rail head at Creede, with the right to make occasional trips with sample shipments direct from said mines to Leadville, Colorado;

the right to transport oil, gas, timber and mine supplies from Creede and Wagon Wheel Gap to said mines, and coal from Durango to said mines.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

Commissioner Erickson absent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Deane
W. H. Danks
Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1936.

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CONTROL *JS*

(Decision No. 9010)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
JOE L. CLEMENTI.)

CASE NO. 1735

November 19, 1936.

S T A T E M E N T

By the Commission:

On August 13, 1936, (Decision No. 8274) the Commission cancelled Permit No. A-655 on account of the failure of the holder to file with the Commission a list of customers and description of his equipment.

It now appears that the applicant had given as his postoffice Box No. 296, Pueblo, Colorado, but that during August, 1936, repairs were going on and this box was discontinued, and Clementi states that he did not receive the notice of show cause order and knew nothing about any action being taken by the Commission until the latter part of August.

He now requests reinstatement of his permit and expresses a desire to comply with all requirements of the Commission. The record shows that he has insurance, that he has filed a list of his customers, and a description of his equipment is on file with the Commission.

After careful consideration of the record and the request of Joe L. Clementi, the Commission is of the opinion and finds that the same should be granted.

O R D E R

IT IS THEREFORE ORDERED, That the order entered in Case No. 1735, under date of August 13, 1936, be, and the same is hereby, set aside and Permit No. A-655 be, and the same is hereby reinstated, effective November 16, 1936.

Commissioner Erickson absent.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

E. J. D. [Signature]
McDauks
Commissioners.

Dated at Denver, Colorado,
this 19th day of November, 1936.

BH

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION OF)
H. B. MINER, DOING BUSINESS AS THE)
H. B. MINER TRANSPORTATION COMPANY,)
AND THE NORTH EASTERN MOTOR FREIGHT)
COMPANY, INC., FOR AUTHORITY TO)
TRANSFER CERTIFICATE OF PUBLIC CON-)
VENIENCE AND NECESSITY NO. 407.)

APPLICATION NO. 1381-A.

November 19, 1936.

Appearances: Z. D. Bohrer, Esq., Denver, Colorado, for
the Motor Truck Common Carriers Assn.,
H. B. Miner and North Eastern Motor
Freight company, Inc.

S T A T E M E N T

By the Commission:

Pursuant to Decision No. 2520, Certificate No. 407, was issued
to H. B. Miner.

Thereafter H. B. Miner acquired an interstate right and now
desires to dispose of all of his intrastate rights to the North Eastern
Motor Freight Company, Inc., which company serves the adjoining area.

It appeared from the testimony given at the hearing that the
consideration to be paid was \$500.00; that there are no outstanding unpaid
obligations as a result of the operation under Certificate No. 407.

Mr. J. R. Arnold, representing the North Eastern Motor Freight
Company, Inc., stated that it was the intention of his company to continue
the service rendered by the transferor and to build up the same to such
point as the tonnage might justify, conducting the consolidated operation
under Certificate No. 374.

The financial standing and reliability of the transferee was
established to the satisfaction of the Commission.

After careful consideration of the record and the testimony given
at the hearing the Commission is of the opinion and finds that authority
should be granted to H. B. Miner to transfer all of his intrastate rights
under Certificate No. 407, to the North Eastern Motor Freight Company, Inc.

O R D E R

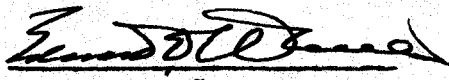
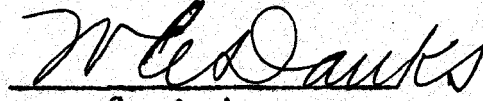
IT IS THEREFORE ORDERED, That H. B. Miner, doing business as the H. B. Miner Transportation Company, holder of Certificate No. 407, be and he hereby is granted authority to transfer to the North Eastern Motor Freight Company, Inc., all of his intrastate rights under Certificate No. 407.

IT IS FURTHER ORDERED, That the intrastate rights to be transferred by this authority shall be consolidated with the present authority of the North Eastern Motor Freight Company, Incorporated and conducted under Certificate No. 374.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Commissioner Erickson absent.

Dated at Denver, Colorado,
this 19th day of November, 1936.

B-1716
~~CONTROL~~

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

IN THE MATTER OF THE APPLICATION)
OF WESLEY THOMPSON FOR A CLASS "B")
PERMIT TO OPERATE AS A PRIVATE)
CARRIER BY MOTOR VEHICLE FOR HIRE.)

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B-1716

APPLICATION NO. 3595-PP

November 23, 1936

Appearances: Z. D. Bohrer, Esq., Denver, Colorado, for
Motor Truck Common Carriers Assn;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On October 19, 1936, Wesley Thompson filed his application herein for a Class B permit to haul sand, gravel and road surfacing material from point to point within a radius of fifty miles of Denver. Although duly notified of the time and place of hearing, to-wit, October 26, 1936, at 2:00 P.M., said applicant failed to appear. Thereupon, protestants stipulated that said application should be received in evidence in behalf of applicant and that permit might issue without objection on their part for the transportation of sand, gravel and road surfacing materials only, from and to road construction jobs within a radius of fifty miles of Denver.

After a careful consideration of the record, the Commission is of the opinion and finds that said permit should issue in accordance with stipulation of protestants.

O R D E R

IT IS THEREFORE ORDERED, That Wesley Thompson should be, and he hereby is authorized to operate as a Class B private carrier by motor vehicle for the transportation of sand, gravel and road surfacing materials only from and to road construction jobs within a radius of fifty miles of Denver, Colorado.

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IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Daniels
W. D. Danks
Walter E. Erickson
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

B

CONTROL *21*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
RAY KLINE AND CLAUDE HARRIS, DOING)
BUSINESS AS INDEPENDENT TRUCKERS) APPLICATION NO. 3059-PP-AA
ASSOCIATION, AND CLAUDE E. HARRIS)
FOR AUTHORITY TO TRANSFER PERMIT.)

November 23, 1936.

S T A T E M E N T

By the Commission:

On April 10, 1934, permit No. A-649 issued to Claude E. Harris, authorizing him to operate as a Class A private carrier by motor vehicle for hire, in interstate commerce, between Denver and the Colorado-Nebraska state line, and intermediate points, via U. S. 85, U. S. 6 and U. S. 138.

On March 19, 1936, in Application No. 3059-PP-A, Decision 7369, the Commission authorized the transfer of said permit, thereafter to be known as A-649-I, to Ray Kline and Claude Harris, doing business as Independent Truckers Association.

Said Ray Kline and Claude Harris, doing business as Independent Truckers Association, now seek authority to transfer said permit No. A-649-I to Claude E. Harris.

After a careful consideration of the record, the Commission is of the opinion and finds that said application should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Ray Kline and Claude Harris, doing business as Independent Truckers Association, should be, and they hereby are authorized to transfer said permit No. A-649-I to Claude E. Harris.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a list of his customers and the required insurance and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted

is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Wheeler

W. L. Danks

Russell E. Smith

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
 RIO GRANDE MOTOR WAY, INC., FOR A)
 CERTIFICATE OF PUBLIC CONVENIENCE)
 AND NECESSITY FOR THE ESTABLISHMENT)
 OF A MOTOR VEHICLE LINE FOR THE)
 TRANSPORTATION OF PASSENGERS, MAIL,)
 BAGGAGE AND EXPRESS BETWEEN DENVER,)
 COLORADO, AND LEADVILLE, COLORADO,)
 AND INTERMEDIATE POINTS.)

APPLICATION NO. 2325-B

November 23, 1936.

Appearances: T. A. White, Esq., Denver, Colorado,
 for Rio Grande Motor Way, Inc., and for
 Hodges, Wilson and Vidal, Esqs., attorneys
 for Rocky Mountain Motor Company and Denver
 Cab Company;
 A. J. Lang, Esq., Leadville, Colorado,
 for the City of Leadville;
 Q. D. Bonner, Esq., Leadville, Colorado,
 for Board of County Commissioners of
 Lake County.

S T A T E M E N TBy the Commission:

Applicant seeks a certificate of public convenience and necessity authorizing the transportation of passengers, baggage, mail and express, by motor vehicle between Denver, Colorado, and Leadville, Colorado, and certain intermediate points, over U. S. Highway 40 and State Highway 91, with a side trip into and out of Breckenridge, Colorado, via State Highway No. 9, excluding, however, any local service between Denver, Idaho Springs, Silver Plume and intermediate points, and between Leadville and Climax.

The evidence disclosed that applicant is a Colorado corporation and is a subsidiary of The Denver and Rio Grande Western Railroad Company, which owns eighty per cent of the capital stock of said company. It is now engaged in extensive motor vehicle operations in this State, as well as in Utah and New Mexico, including a motor bus line from Salt Lake City, Utah, to Pueblo, Colorado, via Grand Junction, Glenwood Springs and Leadville. The proposed new operation would be coordinated with said Salt Lake City-Pueblo operation, which

is now running two schedules daily, connections being made for passengers from Denver with the Denver-Colorado Springs-Pueblo Motor Way. The distance from Denver to Leadville via Pueblo is approximately 275 miles, and under present schedules a passenger leaving Denver at 7:30 AM arrives in Leadville at 4:00 PM, the fare being \$5.00. The distance from Denver to Leadville via the proposed new operation over Loveland pass would be approximately 114 miles, and the fare would be approximately \$3.42, or 3 cents a mile. It is proposed to operate one schedule daily under the new operation, which would leave Denver at 10:30 AM and arrive at Leadville at 3:40 PM, and leave Leadville at 11:20 AM, arriving in Denver 3:50 P.M. Road conditions permitting, 29-passenger busses would be placed in operation, although it is proposed to use 7-passenger Packard touring cars during the winter months. If Loveland pass should be blocked by snow, permission would be desired to detour over the Turkey Creek road to Bailey and Fairplay, or, if that road were also blocked, the operation would be conducted from Colorado Springs via Ute pass and Buena Vista, connecting at Colorado Springs with the Denver-Colorado Springs-Pueblo Motor Way, without the right to conduct any local business between points upon said detours.

It was testified that the proposed operation would give the shortest route between Denver and Los Angeles of any existing operation at the present time. The light package freight, for which authority to transport is sought, would be limited to packages not exceeding 100 pounds in weight. The estimated cost of the new equipment required to conduct the proposed operation is approximately \$20,000.00.

The evidence further disclosed that Lake County, of which Leadville is the county seat, has an estimated population of 7200; that business conditions have improved materially in said county in the last few years, and that some demand exists for shorter bus transportation between Leadville and Denver.

It was also disclosed that Loveland pass is being improved and that large trucks are now operating over same in the summer time. The road usually closes about November 1st for the winter season, although it is hoped that in time, as the road becomes better, efforts will be made to keep it open the year round. The Chamber of Commerce of Leadville acted favorably upon a resolution endorsing the instant application.

At the time of the hearing in Leadville, the case was continued indefinitely and the City of Leadville and Lake County were granted twenty days to present any objections they might have to the granting of the certificate sought. More than twenty days have elapsed and the Commission has received no word from Lake County as to any objections. We are in receipt of a letter from the City Attorney of Leadville stating that said city has no objection and hopes that the authority will be granted. Under these conditions, we do not consider it necessary to hold a further hearing in the matter.

Some evidence was introduced to the effect that the public convenience and necessity require the proposed operation in a number of the smaller towns that would receive service intermediate between Leadville and Denver.

A stipulation between applicant and the Denver Cab Company and Rocky Mountain Motor Company was introduced in evidence. This stipulation relates to service at points now served by said Denver Cab Company and Rocky Mountain Motor Company.

Upon the record as it now stands, no one appeared protesting the granting of the authority sought, and we believe that at least a prima facie case of public convenience and necessity was established by applicant.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the public convenience and necessity requires the proposed motor vehicle operation of applicant, subject to the conditions hereinafter enumerated.

O R D E R

IT IS THEREFORE ORDERED, That Rio Grande Motor Way, Inc., should be, and it is hereby, authorized to establish a motor vehicle operation for the transportation of passengers, baggage, mail and express, between Denver, Colorado, and Leadville, Colorado, and intermediate points, over U. S. Highway No. 40 and State Highway No. 91, with a side trip into and out of Breckenridge over State Highway No. 9, excluding, however, local service between Denver, Idaho Springs and Silver Plume, and intermediate points, and between Leadville and Climax, subject to the following conditions, and this order shall be taken,

deemed and held to be a certificate of public convenience and necessity therefor:

(a) Applicant shall not, without the consent of the Denver Cab Company and Rocky Mountain Motor Company, maintain a point of call for picking up or discharging of passengers, baggage, mail and express, or any of them, between the towns of Silver Plume and the station Keystone in Summit County, Colorado.

(b) Applicant shall not carry passengers, baggage, mail or express, or any of them, in local service between Denver, Idaho Springs, Silver Plume and intermediate points, charging therefor rates applicable to transportation of said passengers, baggage, mail or express between Denver and Keystone, or other points between which they herein seek authority to operate.

(c) The right herein granted to transport express shall be limited to packages not exceeding 100 pounds in weight each.

(d) In case the above prescribed route is closed for traffic, then in that event, applicant may, pending the opening of said road, detour its operation via Turkey Creek road and Fairplay, and if said road also is closed to traffic, applicant may in connection with the Denver-Colorado Springs-Pueblo Motor Way from Denver, operate from Colorado Springs via Ute pass and Buena Vista to Leadville.

IT IS FURTHER ORDERED, That the applicant shall file tariffs of rates, rules and regulations and time and distance schedules as required by the Rules and Regulations of this Commission governing motor vehicle carriers, within a period not to exceed twenty days from the date hereof.

IT IS FURTHER ORDERED, That the applicant shall operate such motor vehicle carrier system according to the schedule filed with this Commission except when prevented from so doing by the Act of God, the public enemy or unusual or extreme weather conditions; and this order is made subject to compliance by the applicant with the Rules and Regulations now in force or to be hereafter adopted by the Commission with respect to motor vehicle carriers and also subject to any future legislative action that may be taken with respect thereto.

IT IS FURTHER ORDERED, That this order shall take effect and be
in force on November 29, 1936.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dwyer

McDauks

Maas Erickson

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL

(Decision No. 9018)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. L. VANDEL AND B. I. FITZMORRIS,)
DOING BUSINESS AS PIONEER FREIGHT)
LINES, FOR AUTHORITY TO TRANSFER)
INTERSTATE PERMIT NO. 686-I TO)
B. I. FITZMORRIS, DOING BUSINESS AS)
PIONEER FREIGHT LINES.)

3
APPLICATION NO. 2118-I-A

November 23, 1936.

S T A T E M E N T

By the Commission:

On June 6, 1933, common carrier interstate permit No. 686-I issued to E. L. Vandel and B. I. Fitzmorris, co-partners, doing business as Pioneer Freight Lines, authorizing the transportation of freight by motor vehicle as a common carrier, in interstate commerce only, between "Denver, Colorado, and Scottsbluff, Nebraska - Denver to Colorado-Wyoming state line, via Greeley, Colorado, where U. S. Highway No. 85 crosses the same."

Authority is now sought to transfer the interest of E. L. Vandel in and to said permit to B. I. Fitzmorris. A copy of the contract of sale between said Fitzmorris and said Vandel and the financial statement of transferee, were attached to and made a part of the application on file herein.

Said contract of sale discloses that the transferee and transferor were conducting said Pioneer Freight Lines as a co-partnership, seventy-five per cent of the interest therein being owned by Fitzmorris and twenty-five per cent by E. L. Vandel.

It further appears that all equipment, accounts receivable, and transferor's interest in the assets of said Pioneer Freight Lines, were included in the sale. The consideration is the sum of \$1,500.00, consisting of \$500.00 in cash and two promissory notes for the sum of \$500.00 each.

It is further disclosed that the said B. I. Fitzmorris assumes and agrees to pay all of the outstanding obligations of said former partnership firm.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that said transfer should be granted, subject to the conditions hereinafter expressed.

O R D E R

IT IS THEREFORE ORDERED, That E. L. Vandel should be, and he hereby is authorized to transfer all of his right, title and interest in and to common carrier interstate permit No. 686-I to B. I. Fitzmorris.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has paid to the Commission all outstanding indebtedness against said permit for unpaid highway compensation taxes.

IT IS FURTHER ORDERED, That the said transferee shall assume and pay any and all other outstanding legal obligations which it may develop were due and payable from the said partnership of Fitzmorris and Vandel, doing business as Pioneer Freight Lines.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Danks

McDanks

Wesley E. Lewis

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL

(Decision No. 9019)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
LAWRENCE DORSEY, T. C. PARKINSON AND)
R. C. PARKINSON, CO-PARTNERS, DOING)
BUSINESS AS DORSEY TRUCK LINE, FOR)
AUTHORITY TO TRANSFER PRIVATE PERMIT)
NO. A-60 TO T. C. PARKINSON AND R. C.)
PARKINSON, DOING BUSINESS AS DORSEY)
TRUCK LINE.)

APPLICATION NO. 3232-PP-AA

November 23, 1936.

S T A T E M E N T

By the Commission:

A verified application has been filed with the Commission seeking authority by Lawrence Dorsey, T. C. Parkinson and R. C. Parkinson, co-partners, doing business as Dorsey Truck Line, to transfer to T. C. Parkinson and R. C. Parkinson, co-partners, doing business as Dorsey Truck Line, Permit No. A-60.

It appears from the records that the transferors have dissolved the partnership heretofore existing, and Lawrence Dorsey, heretofore the owner of an undivided one-half interest in said permit, is withdrawing from said co-partnership and the entire interest in said permit will be vested in transferees, who will continue to conduct the business under the trade name of "Dorsey Truck Line".

It further appears from the records that all equipment now owned by transferors is also to be transferred to the new partnership, and it does not appear that the payment of any outstanding indebtedness would be jeopardized by permitting the transfer prayed for without the necessity of a formal hearing.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Lawrence Dorsey, T. C. Parkinson and R. C. Parkinson, co-partners, doing business as Dorsey Truck Line, should be,

and they are hereby authorized to transfer private permit No. A-60 to T. C. Parkinson and R. C. Parkinson, doing business as Dorsey Truck Line.

IT IS FURTHER ORDERED, That said transfer herein authorized shall become effective only if and when, but not before transferees have filed a statement of their customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of transferees to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

IT IS FURTHER ORDERED, That this order shall be, and it is hereby, made a part of the permit herein authorized to be transferred.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward T. Danks

W. C. Danks

Walter E. Eick
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL *✓*

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

173 *✓*

* * *

IN THE MATTER OF THE APPLICATION OF)
G. B. McKINNEY, DOING BUSINESS AS)
INTERNATIONAL TRUCK LINE, FOR AUTHOR-)
ITY TO TRANSFER INTERSTATE PERMIT)
NO. 773-I TO WINTON E. ALLEN, DOING)
BUSINESS AS NEW MEXICO EXPRESS LINES.)

APPLICATION NO. 2573-I-A

November 23, 1936

S T A T E M E N T

By the Commission:

On September 23, 1935, common carrier interstate permit No. 773-I was issued to G. B. McKinney, doing business as International Freight Lines, authorizing the transportation of freight by motor vehicle as a common carrier, in interstate commerce only, between Denver, Colorado, and the Colorado-New Mexico state boundary line where U. S. Highway 85 crosses the same.

Authority is sought in the instant application to transfer said interstate permit No. 773-I from G. B. McKinney, doing business as International Freight Lines, to Winton E. Allen, doing business as New Mexico Express Lines. Attached to said application for transfer is a copy of the contract of sale entered into between transferor and transferee relative to said permit. Said contract discloses that transferor has assigned all of his right, title and interest in said permit to transferee, and included in said sale certain equipment owned by transferor. Transferee is to complete the payments due upon said equipment, and is also to assume and pay all delinquent highway compensation taxes accruing in either this State or the State of New Mexico. Transferee is also to pay the party of the second part the sum of \$2,000 in monthly payments, commencing February 10, 1937.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that the authority herein sought should be granted.

O R D E R

IT IS THEREFORE ORDERED, That G. B. McKinney, doing business as

International Freight Lines, be, and he is hereby, authorized to transfer interstate permit No. 773-I to Winton E. Allen, doing business as New Mexico Express Lines, of Denver, Colorado.

IT IS FURTHER ORDERED, That this transfer shall not become effective until all highway compensation taxes due the State of Colorado are fully paid.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Deuel

McDauks

Malcolm E. Phipps

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
CARL JOHNSON, MONTROSE, COLORADO, FOR)
A CLASS B PERMIT TO OPERATE AS A PRIV-)
ATE CARRIER BY MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3639-PP

November 23, 1936.

Appearances: Carl Johnson, Montrose, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way;
Marion F. Jones, Esq., Longmont, Colorado,
for Colorado Trucking Association,
Homer Dale, Will Watts, Elmer Gastberg,
Glen Holman and George Stewart.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products, principally onions and apples, from farms situated within a twenty-five mile radius of Montrose, Colorado, to the nearest loading point or dock at Montrose; livestock and farm supplies between farms in that section extending twenty-five miles west of Montrose, and Montrose.

As thus limited, there was no objection offered on the part of those appearing at the hearing to the issuance of a permit. The applicant presented a list of his customers and agreed to see that such list was properly filed in conformity with our rules.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that a permit should be granted, limited, however, as indicated by the testimony given at the hearing.

O R D E R

IT IS THEREFORE ORDERED, That Carl Johnson of Montrose, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for the transportation of farm products, principally onions and apples, from farms within a twenty-five mile radius of Montrose; livestock

and farm supplies between farms situated in the section extending twenty-five miles south and twenty-five miles west of Montrose and to Montrose on the north and east.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward D. Steele

W. C. Danks

Walter E. Egan
Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL *88*

2702

9023

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
I. W. BAWDEN.)

PRIVATE PERMIT NO. A-702

November 23, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from I. W. Bawden, holder of private permit No. A-702, stating:

"On account of not having any written contract hauls, I am not going to use my "A" permit until later."

After careful consideration, the Commission is of the opinion, and finds, that said permit should be suspended until permittee files list of customers and contracts.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. A-702, heretofore issued to I. W. Bawden of Burns, Wyoming, be, and the same is hereby, suspended for a period of six months from the date of this order provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations, and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward W. Deneen

W. D. Danks

Walter E. Evers
Commissioners

Dated at Denver, Colorado,
this 23rd day of November, 1936.

CONTROL *24*

(Decision No. 9024)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF GLENN H. HARPSTER AND KENNETH)
CLARK, DOING BUSINESS AS DENVER-)
TAOS MOTOR TRANSPORT COMPANY, FOR)
AUTHORITY TO TRANSFER INTERSTATE)
COMMON CARRIER PERMIT NO. 632-I)

APPLICATION NO. 2036-I-A

November 23, 1936.

S T A T E M E N T

By the Commission:

On June 25, 1932, common carrier interstate permit was issued to J. W. Barker, authorizing the transportation of freight in interstate commerce only between Denver and the Colorado-New Mexico state boundary line where Colorado Highway No. 159 crosses the same, and between intermediate points and said line.

Said J. W. Barker now seeks authority to transfer said permit No. 632-I to Glenn H. Harpster and Kenneth Clark, doing business as Denver-Taos Motor Transport Company.

In the same application in which said transfer is requested, an extension of said common carrier interstate permit No. 632-I is sought to include the right to operate in interstate commerce only between Denver, Colorado, and the Colorado-New Mexico state boundary line via U. S. Highway No. 85, and between intermediate points and said state boundary line.

It further appears from said application that the said J. W. Barker holds authority from the State of New Mexico to operate in interstate commerce between Santa Fe, New Mexico, and the Colorado-New Mexico state line, and that he has requested authority from the Interstate Commerce Commission to operate between Denver, Colorado, and Santa Fe, New Mexico, via said U. S. Highway No. 85.

It is further alleged in said application that the instant petition is filed for the purpose of "preserving the 'Grandfather' rights of the said J. W. Barker in Colorado in interstate traffic; and that for this reason an application for transfer and extension is made, rather than a new application for an interstate certificate by the applicants Glenn H. Harpster and Kenneth Clark."

It has been the practice of the Commission to grant transfers of interstate permits authorizing the transportation of freight without formal hearings, and the same custom has been followed in the granting of original interstate permits, which are granted as a matter of form, but always subject to the provisions of the Federal Motor Carrier Act of 1935.

After a careful consideration of the record in the instant case, the Commission is of the opinion, and so finds, that the authority requested should be granted.

O R D E R

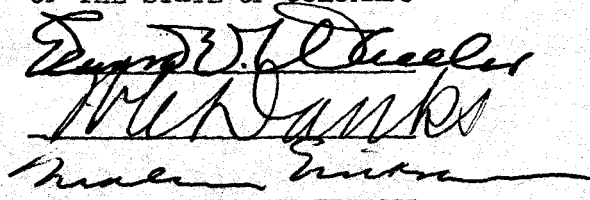
IT IS THEREFORE ORDERED, That J. W. Barker, of Jarosa, Colorado, be, and he is hereby, authorized to transfer to Glenn H. Harpster and Kenneth Clark, doing business as Denver-Taos Motor Transport Company, that certain common carrier interstate permit No. 632-I, heretofore issued in Application No. 2036-I.

IT IS FURTHER ORDERED, That said permit No. 632-I be, and the same is hereby, extended to authorize the transportation of general freight in interstate commerce only between Denver, Colorado, and the Colorado-New Mexico state boundary line, via U. S. Highway No. 85, and between intermediate points and said state boundary line; provided, however, that the extension herein granted is subject to all the provisions of the Federal Motor Carrier Act of 1935.

IT IS FURTHER ORDERED, That this transfer shall not become effective until transferees shall have on file with the Commission the necessary insurance required by law and the rules and regulations of the Commission.

IT IS FURTHER ORDERED, That the right of transfer herein granted is subject to the provisions of the Federal Motor Carrier Act of 1935.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO



Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

IN THE MATTER OF THE APPLICATION)
OF BERTIE E. CHANDLER AND EARL M.)
CHANDLER, DENVER, COLORADO, FOR A) APPLICATION NO. 3578-PP
CLASS "B" PERMIT TO OPERATE AS A)
PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

November 23, 1936.

Appearances: Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
Marion F. Jones, Esq., Longmont, Colorado,
by Mr. Rees, Denver, Colorado, for the
Colorado Trucking Association;
V. G. Garnett, Denver, Colorado,
for Colorado Rapid Transit Company.

S T A T E M E N T

By the Commission:

The above application was called for hearing at two o'clock P. M.,
November 16, at the Hearing Room in the State Office Building, Denver, Colorado.
At the time the application was called, the applicant was not present, but
shortly thereafter appeared and stated that it was agreeable to him to have
the item of "building material" eliminated from his application; that at the
present time he had but one customer as disclosed by the statement of customers,
The J. W. Brannan Sand and Gravel Company, and that most of his hauling would be
road surfacing materials.

There were no objections offered by those appearing at the hearing
to the issuance of a permit as limited above.

After careful consideration of the record, the Commission is of the
opinion and finds that the application should be granted on the application
on file, limited to the transportation of sand, gravel and like road construction
materials, also coal.

O R D E R

IT IS THEREFORE ORDERED, That Bertie E. Chandler and Earl M. Chandler,
of Denver, Colorado, be, and they hereby are granted a Class "B" permit to

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operate as private carriers by motor vehicle for hire, for the transportation of sand, gravel and like road construction materials, also coal, from point to point within a radius of fifty miles of Denver, Colorado.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicants have filed a statement of their customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and have secured identification cards.

IT IS FURTHER ORDERED, That the right of applicants to operate under this order shall be dependent upon their compliance at all times with all the laws, rules and regulations pertaining to their operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Daniels

McDanks

Richard E. Pittman

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

766
CONTROL

(Decision No. 9032)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
E. H. NUNLEY FOR CERTIFICATE OF)
PUBLIC CONVENIENCE AND NECESSITY FOR)
THE TRANSPORTATION OF ALL CLASSES OF) APPLICATION NO. 2453-B
FREIGHT BY MOTOR VEHICLE FROM GUNNISON,)
COLORADO, TO LAKE CITY, COLORADO, AND)
INTERMEDIATE POINTS.)

November 23, 1936.

S T A T E M E N T

By the Commission:

The above numbered application was set for hearing on November 12, 1936, at 9:30 A. M. at the Court House, Grand Junction, Colorado. However, on November 4, 1936, the Commission received a communication from Attorneys Nourse and Dutcher, representing the applicant, wherein it is requested that this application be cancelled.

After careful consideration of the record and the request, the Commission is of the opinion and finds that the same should be granted and the application dismissed.

O R D E R

IT IS THEREFORE ORDERED, That Application No. 2453-B made by E. H. Nunley, be, and the same hereby is dismissed.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward V. Dutcher

W. A. Danks

Irvin E. Egan

Commissioners.

Dated at Denver, Colorado,
this 23rd day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF FRED E. COLVIN AND FRANK W.)
MILLER FOR AUTHORITY TO TRANSFER)
ALL RIGHTS AND PRIVILEGES UNDER)
CERTIFICATE OF PUBLIC CONVENIENCE)
AND NECESSITY.)

APPLICATION NO. 1261-AAA-AAA-AA

November 30, 1936.

Appearances: George W. Swerer, Esq., Denver, Colorado,
for applicants;
Z. D. Bohrer, Esq., Denver, Colorado,
for Motor Truck Common Carriers Ass'n;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association.

S T A T E M E N T

By the Commission:

On November 7, 1929, in Application No. 1261, Decision 2619, the Commission granted a certificate of public convenience and necessity to D. A. Derby to operate a motor vehicle system for the transportation of (1) freight generally from point to point in Cheyenne County, and between points in Cheyenne County and Hugo and intermediate points situated on the state highway running between Hugo and Cheyenne Wells; (2) livestock in less than carload lots from points in Cheyenne County to Denver; (3) freight generally between Denver and points situated east of Hugo on said highway and within Cheyenne County.

On August 19, 1931, in Application 1261-A, Decision No. 3617, the said D. A. Derby was authorized to transfer to Charles T. Adams all that part of the authority granted to him which authorized the transportation of freight between Denver and First View and points east of the line drawn immediately west of First View, from point to point in the territory situated in Cheyenne County east of said line, and between points in that portion of Cheyenne County and the portion lying in said county west of said line, it being stated in the body of the opinion as follows:

"The evidence shows that the territory proposed to be served by Adams includes the town of First View. In other words, the line would be drawn immediately west instead of east of that point. We understand also that each party is to have the right to transport freight to and from points in Cheyenne County which lie east of First View from and to points which lie west thereof. Adams is to have the privilege also of transporting freight between Denver and First View and all points east thereof in Cheyenne County."

On June 12, 1936, Decision No. 7695, Application 1261-AAA-AAA-A, said Commission authorized the transfer of that part of said Derby operation not transferred to Charles T. Adams, to Fred E. Colvin. The said Fred E. Colvin now seeks authority to transfer said authority obtained by him from said D. A. Derby with the consent of the Commission, to Frank W. Miller.

The evidence disclosed that Mr. Miller is a responsible operator and is in a financial position to establish an adequate, substantial and satisfactory common carrier service under the authority he seeks. He is now operating under certificate of public convenience and necessity No. 699 between Denver, Agate and Hugo, and points intermediate between Agate and Hugo, over U. S. Highways 40 and 40-S, and intends to combine the Colvin operation with his present operation.

The evidence further disclosed that outstanding COD accounts against the Colvin operation total \$215.84, as follows:

Standard Bottling Company . . .	4.00
B. K. Sweeney Electrical Company . .	22.46
Westinghouse Electric & Mfg. Co. . .	21.94
Corbett Ice Cream Company	13.20
General Liquors, Inc.	10.59
Colorado Alcohol Company	21.30
General Motors Truck Company . . .	7.65
Auto Equipment Company	36.29
Moore Hardware Company	70.56
Fargo Oil Company	<u>7.85</u>
Total	215.84

that wheel tax due the Commission from Colvin amounts to \$72.88, and that open accounts as follows, totaling \$111.28 should be paid in addition to the C.O.D. accounts and wheel tax due the Commission out of the consideration of \$400.00 to be paid for said transfer:

Colorado Ice	\$ 15.60
Truckmen's Insurance Agency	7.58
Hugh Woods Mercantile Company . . .	16.32
Motoroyal Oil Company	6.90
K. & B. Packing Company98
Fox Used Auto and Parts Company . . .	53.70
Rio Gas and Oil Company	<u>10.20</u>
	\$111.28

After a careful consideration of the record, the Commission is of the opinion and finds that said transfer should be authorized, said Miller to assume outstanding accounts, C. O. D. accounts and wheel tax heretofore itemized, to the extent of the consideration, that is, \$400.00

O R D E R

IT IS THEREFORE ORDERED, That Fred E. Colvin should be, and he hereby is authorized to transfer all that part of the authority granted to D. A. Derby in Application No. 1261, Decision No. 2619, which was not transferred by said D. A. Derby to Charles T. Adams; provided, that said transferee shall assume and pay outstanding claims against said Fred E. Colvin to the extent of \$400.00, the consideration herein, as follows:

C.O.D. Accounts:

Standard Bottling Company	\$ 4.00	
B. K. Sweeney Electrical Company	22.46	
Westinghouse Electrical & Mfg. Co.	21.94	
Corbett Ice Cream Company	13.20	
General Liquors, Inc.	10.59	
Colorado Alcohol Company	21.30	
General Motors Truck Company	7.65	
Auto Equipment Company	36.29	
Moore Hardware Company	70.56	
Fargo Oil Company	7.85	
	<u>\$215.84</u>	\$215.84

Highway Compensation Tax due		
the Commission	72.88	72.88

Open Accounts:

Colorado Ice	15.60	
Truckmen's Insurance Agency	7.58	
Hugh Woods Mercantile Company	16.32	
K. & B. Packing Company98	
Motoroyal Oil Company	6.90	
Fox Used Auto & Parts Company	53.70	
Rio Gas and Oil Company	10.20	
	<u>\$111.28</u>	<u>111.28</u>

Total	\$400.00
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IT IS FURTHER ORDERED, That this transfer shall not become effective until transferee shall have on file with the Commission the necessary insurance policy or surety bond as required by law and the Rules and Regulations of the Commission.

IT IS FURTHER ORDERED, That the tariffs of rates, rules and regulations of the transferor herein shall become and remain those of the transferee herein until changed according to law and the Rules and Regulations of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. [Signature]

W. Danks

Walter [Signature]

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1936.

163
1271 CONTROL *KL*

(Decision No. 9044)

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

RE MOTOR VEHICLE OPERATIONS OF)
C. R. JEFFERES AND T. B. JEFFERES,) CASE NO. 1830
DOING BUSINESS AS JEFFERES AUTO)
COMPANY.)

November 30, 1936.

Appearances: R. E. Conour, Esq., Denver, Colorado,
for the Commission;
Marion F. Jones, Esq., Longmont, Colorado,
for respondents;
Z. D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers
Association;
A. J. Fregeau, Denver, Colorado,
for Weicker Transportation Company.

S T A T E M E N T

By the Commission:

After complaints had been received by the Commission concerning the conduct of C. R. and T. B. Jefferes, respondents herein, as to the operations under Certificate No. 763, the Commission, on its own motion, under date of September 3, 1936, issued a show cause order requiring the respondents to appear and explain the charges therein contained.

This case was regularly set for hearing at the State Office Building, Denver, Colorado, on September 22, 1936.

At the hearing, respondent C. R. Jefferes stated that on July 18, 1936, a truckload of flour was transported under their authority for the Berthoud Flour Mills to Trinidad, Colorado, a distance of one hundred eight miles at 35 cents per cwt., and that this charge was less than the prescribed rate of the Commission; that on September 1, 1936, ten thousand pounds of flour were transported to Trinidad at the same rate, and this respondent stated that he thought he had a right to serve this particular territory, but did know that the rate charged was less than the prescribed rate of the Commission. This respondent stated that he made a mistake as to the territory but he knew that he should not have fixed the thirty-five cent rate which he had and that

the same was in violation of the prescribed rate order issued by the Commission.

The respondent further stated that he now knew that he had no authority to serve the particular territory and that he would not repeat the violation.

The testimony further showed that the through rate, Denver to Trinidad, was 51 cents as prescribed by the Commission. It also appeared that this was the first rate violation case to be brought by the Commission.

At the time of the hearing, there was no dispute about the authority granted to respondents in Application No. 2443, and all agreed that respondents did not have authority to serve Trinidad, Colorado.

It was conceded at the hearing that the respondents had violated the order of this Commission as entered in Case No. 1585 prescribing rates, and that the respondents were guilty of exceeding their authority as to the territory served and of violating the order of this Commission by charging a rate much less than the rate prescribed by the Commission.

The record shows that approximately 35,000 pounds of flour was transported a distance of 108 miles at a rate of 35 cents per cwt. for an aggregate charge of \$122.50, when in fact the prescribed rate of the Commission would have resulted in an aggregate charge of \$163.00 for the three loads so transported.

The Commission feels that the instant case discloses not only careless business practice, but shows a disregard for the Motor Carrier law and the prescribed rates of this Commission. Under the circumstances, the Commission feels that a penalty should be assessed for the admitted violation of the rules of the Commission as above set forth under the provisions of Section 61 of the Public Utilities Act, and the Commission is of the opinion and finds that the respondents should be assessed a penalty of \$75.00 for the aforesaid violations of the rules and regulations of the Commission.

O R D E R

IT IS THEREFORE ORDERED, By the Commission, that respondents, C. R. and T. B. Jefferes, be, and they hereby are assessed and ordered to pay

a penalty of \$75.00 for the aforesaid violations of the laws, rules and regulations of the Commission, within twenty days after the date of this order.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Kane

W. C. Danks

Walter S. Wilson

Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * * *

RE MOTOR VEHICLE OPERATIONS OF)
G. C. HUTCHINGS AND ED KROGH,)
DOING BUSINESS AS TROUTHAVEN.)

PERMIT NO. B-1527

November 28, 1936

S T A T E M E N T

By the Commission:

The Commission is in receipt of a communication from Gordon C. Hutchings requesting that Private Permit No. B-1527 be suspended for a period of six months with the privilege of reinstating same within that period.

After careful consideration, the Commission is of the opinion, and finds, that the request should be granted.

O R D E R

IT IS THEREFORE ORDERED, That Private Permit No. B-1527, heretofore issued to G. C. Hutchings and Ed Krogh, copartners, doing business as Trout-haven, be, and the same is hereby, suspended for a period of six months from the date of this order provided, however, that during said suspension period, said permit may be reinstated at any time upon full compliance with the law and our rules and regulations and provided further that if said permit is not reinstated during said suspension period, then said permit shall automatically become revoked without further order of the Commission.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. Dineen

W. L. Dukes

Walter S. Erickson
Commissioners

Dated at Denver, Colorado,
this 28th day of November, 1936.

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
F. M. ODELL FOR A CLASS "B" PERMIT)
TO OPERATE AS A PRIVATE CARRIER BY)
MOTOR VEHICLE FOR HIRE.)

APPLICATION NO. 3453-PP *G*

November 30, 1936.

Appearances: F. M. Odell, Route 2, Wray, Colorado,
pro se;
Z. D. Bohrer, Esq., Denver, Colorado,
for Woods Truck Line, North Eastern
Motor Freight and The Motor Truck
Common Carriers Association;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association and
Woodin Truck Line;
Winton S. Howard, Esq., Denver, Colorado,
for Live Stock Common Carriers Ass'n.

S T A T E M E N T

By the Commission:

The application filed herein seeks authority to transport live stock, farm products, cement, farm machinery and oil from point to point within a radius of 40 miles of Wray, Colorado, and to and from Laird and Denver.

At the hearing, applicant testified that his cement haul would be from either Fort Collins or Portland, and he also desired authority to haul coal from the Canon City district into the above described area surrounding Wray and would also want authority to haul used household furniture from point to point in said area.

Applicant resides four miles north of Laird, and his financial standing and operating reliability were established to the satisfaction of the Commission.

R. H. Woods, operating Woods Truck Line under certificate of public convenience and necessity No. 300, operates daily service between Denver, Akron, Wray and Laird, including service east of Laird to the Nebraska state line. He objected to the granting of authority to applicant for the transportation of

oil and farm machinery from Denver on the ground that his line was prepared to carry said commodities between said points, and was in fact transporting the same, and any diminution in his revenue by the granting of further permits, would tend to impair his service. He had no objection to the transportation of cement, coal, live stock and farm products.

C. H. Woodin, operating under certificate of public convenience and necessity No. 861, which authorizes the transportation of freight and merchandise generally between Akron and Wray and various points in the State of Colorado on call and demand, subject to certain conditions, testified to the effect that he had not at the time of the hearing kept any trucks for service in the Wray area, but intended to institute such service after September 1, 1936.

Applicant agreed at the hearing that he would not transport any cream or eggs under the title of farm products.

Taken as a whole, the evidence disclosed that ample service exists for the transportation of farm machinery and oil between Denver and Wray, but we believe that the proposed operation of applicant for the transportation of live stock and farm products from said Wray area to Denver, cement from Fort Collins and Portland to said area, and coal from the Canon City district, is needed by the shipping public residing therein.

After a careful consideration of the record, the Commission is of the opinion, and so finds, that as limited in the order the permit should be granted.

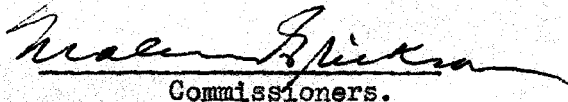
O R D E R

IT IS THEREFORE ORDERED, That F. M. Odell should be, and he is hereby, authorized to operate as a Class B private carrier by motor vehicle for hire for the transportation of farm products (including live stock), used household goods and farm equipment, from point to point within a radius of forty miles of Wray, Colorado, with the further right to transport farm products and live stock from said area to Denver; cement from the Fort Collins district and Portland, ^{eliminate} and coal from the Canon City district back to said Wray area, ^{save} and except that no authority is granted to transport cream or eggs.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1936.

CONTROL

BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION)
OF BERT EAKS, BOULDER, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE)
AS A PRIVATE CARRIER BY MOTOR)
VEHICLE FOR HIRE.)

APPLICATION NO. 3567-PP

November 30, 1936.

Appearances: Marion F. Jones, Esq., Longmont, Colorado,
by Mr. Rees, Denver, Colorado, for the
Colorado Trucking Association;
Zene D. Bohrer, Esq., Denver, Colorado,
for The Motor Truck Common Carriers Ass'n,
Over-Land Motor Express, and J. D. McKenzie.

S T A T E M E N T

By the Commission:

The above application was called for hearing pursuant to notice, but the applicant failed to appear. A motion was made that the application be dismissed for lack of prosecution, which motion was taken under advisement and later in the day word was received from Boulder that the applicant, Bert Eaks, was serving on a jury in Boulder and was unable to be present at the hearing.

The record discloses that the applicant has filed a description of his equipment, and that he has on file a proper statement of his customers which happens to be one customer only. As long as the rights of common carriers are not affected, we have on numerous occasions granted permits for the transportation of coal only upon the verified application on file. It does not appear that any such rights would be impaired in the instant case.

After careful consideration of the record, the Commission is of the opinion and finds that the motion to dismiss should be denied and the application granted on the verified petition.

O R D E R

IT IS THEREFORE ORDERED, That Bert Eaks, of Boulder, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire, for the transportation of coal from mines and yards within a fifty-mile radius of Boulder, Colorado, to points in said area.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda of the terms thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

Edward J. O'Sullivan

W. Danks

Wm. S. Sisk
Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1936.

north, six miles east, twelve miles south and twelve miles west thereof, for the transportation of farm products from farms to storage and docks at New Castle and Silt; used household goods from point to point within said area and coal from the Harvey Gap mine to Silt and New Castle and farmers residing in said area, provided, however, that applicant shall not engage in any town to town service between points along Highway No. 24.

IT IS FURTHER ORDERED, That this order shall be taken, deemed and held to be the permit herein provided for, said permit herein granted to become effective only if and when, but not before applicant has filed a statement of his customers, together with copies of all special contracts or memoranda thereof, and the required insurance, and has secured identification cards.

IT IS FURTHER ORDERED, That the right of applicant to operate under this order shall be dependent upon his compliance at all times with all the laws, rules and regulations pertaining to his operation which may now or hereafter be in effect.

THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO


Commissioners.

Dated at Denver, Colorado,
this 30th day of November, 1936.

CONTROL

(Decision No. 9051)

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BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF COLORADO

* * *

IN THE MATTER OF THE APPLICATION OF)
JAMES C. CLARKE, NEW CASTLE, COLORADO,)
FOR A CLASS "B" PERMIT TO OPERATE AS)
A PRIVATE CARRIER BY MOTOR VEHICLE)
FOR HIRE.)

B-1932
APPLICATION NO. 3626-PP

November 30, 1936.

Appearances: James C. Clarke, New Castle, Colorado,
pro se;
T. A. White, Esq., Denver, Colorado,
for Rio Grande Motor Way, Inc.;
Marion F. Jones, Esq., Longmont, Colorado,
for The Colorado Trucking Association,
Harp Brothers and R. A. Cranor.

S T A T E M E N T

By the Commission:

As limited by the testimony given at the hearing, the applicant herein seeks authority to transport farm products from farms and ranches within an area around New Castle extending twelve miles north, six miles east, twelve miles south and twelve miles west thereof, to storage and docks at New Castle and Silt; the transportation of used household goods from point to point within the above described area and coal from the Harvey Gap coal mine to town and farms.

It appeared from the testimony given at the hearing that in addition to the transportation of coal, applicant desires to render a farm service, not, however, in competition with scheduled common carriers along Highway No. 24.

After careful consideration of the record and the testimony, the Commission is of the opinion and finds that the authority as limited should be granted.

O R D E R

IT IS THEREFORE ORDERED, That James C. Clarke of New Castle, Colorado, be, and he hereby is granted a Class "B" permit to operate as a private carrier by motor vehicle for hire within an area around New Castle, extending twelve miles